STATES THREATEN TO IGNORE NSR REFORMS 7 | CANADIANS PUNISHED BY KYOTO COSTS 9 | NO WARMING 10-11

Environment & Climate News

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Global Warming Bill Defeated

Roll Call

Senator James Inhofe (left) went head-to-head with colleagues John McCain (top) and Joe Lieberman (bottom) in the Senate's debate over a global warming measure sponsored by McCain and Lieberman. The measure was defeated.

by James M. Taylor

Senate legislation to cap greenhouse gas emissions—the first of its kind since the Senate unanimously rejected the Kyoto Protocol in 1997—was defeated on October 30 by a vote of 55-43. The defeat of the bill, sponsored by John McCain (R-Arizona) and Joe Lieberman (D-Connecticut), came despite significant last-minute weakening of the bill in an attempt to attract more supporters.

McCain attempted to rally support for the bill by suggesting recent weather events provided evidence global warming was already occurring. He displayed pictures of Glacier National Park as it existed in the 1930s and as it exists today, claiming those photos documented the effects of global warming. He also argued that melting polar ice caps and wildfires burning in Southern California were further evidence of warming.

Science Trumps Anecdotes

McCain's assertions were discredited by Environment and Public Works Committee Chairman James Inhofe (R-Oklahoma). The anecdotes offered by McCain, Inhofe said, were no match for the 17,800 scientists who have signed a letter concluding there

SENATE p. 13

Kyoto? Nyet!

by James M. Taylor

Vladimir Putin

Russian President Vladimir Putin stunned the European Union and global warming activists by expressing skepticism of global warming theory at the September 29 World Climate Change Conference.

Putin's comments threatened to derail the Kyoto Protocol, which needs Russian ratification to attain the participation rate necessary to enact the Protocol.

It had been widely anticipated that

RUSSIA p. 8

California Torched by Worst Wildfires in State History

Devastating environmental toll prompts Senate passage of Healthy Forests bill

by John Skorburg

Wildfires torched Southern California during the latter half of October, devastating an area larger than Rhode Island and prompting the U.S. Senate to finally pass its version of President George W. Bush's Healthy Forests Initiative.

The fires extended from the Mexican

FIRES p. 14

Eco-Terrorists Increase Attacks

Zuma Press

A firefighter works to slow the spread of flames believed to be the result of arson by the eco-terrorist Earth Liberation Front. The group claimed responsibility for several attacks in recent months.

by Jay Lehr

Environmental terrorists, already designated by the FBI as the nation's No. 1 domestic terrorism threat, ran rampant across America during summer and fall 2003.

Wave of New Attacks

On August 1, terrorists burned to the ground a 206-unit apartment complex under construction in San Diego. The arsonists caused $50 million damage, making it "the single largest act of property destruction ever committed by one of these groups in the history of the country," said Phil Celestini, head of the FBI's domestic terrorism operations unit based in Washington, DC.

"It's sheer dumb luck and providence

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EPA WATCH

Leavitt Nomination Approved by Senate

by James M. Taylor

Three-term Utah Governor Mike Leavitt assumed the reins of the Environmental Protection Agency on October 28 as the U.S. Senate overcame several procedural obstacles and confirmed the Bush nominee by a vote of 88-8.

The nomination initially encountered smooth sailing as the bipartisan Western Governors' Association passed a September 15 resolution endorsing Leavitt's nomination. Notable among the Western governors' endorsements was that of Bill Richardson, former Energy Secretary in the Clinton administration. Leavitt additionally garnered the high-profile endorsement of former Maryland governor Parris Glendening (D), who praised Leavitt's pro-regulatory stance on "smart-growth" and other land-use issues.

Dems. Engage in "Obstructionism"

However, Senate Democrats on October 1 put the Bush administration on notice that the confirmation process would not be an easy one. During an Environment and Public Works Committee vote on Leavitt, all of the Democrats walked out of the session, precluding the quorum necessary for Leavitt's approval. The boycott was unprecedented in Senate history and caused anger among Leavitt supporters.

"I think the Presidential year started early this time around," said Committee chairperson James Inhofe (R-Oklahoma). "I'm sure that's the real reason this is all going on."

"Today is a sad day for democracy in America," declared Keith McCoy, director of environmental quality for the National Association of Manufacturers. "This boycott of Gov. Leavitt's nomination is not only unprecedented in EPW committee history, it's most discouraging in light of the nominee's impeccable environmental credentials and the ringing endorsements he's received from numerous Democratic governors who've worked with him at the National Governors Association."

"Continuing to hold both this eminently qualified nominee and the important work of the EPA hostage to campaign season politics can only be seen as obstructionism, and manufacturers hope these Senate Democrats will soon reconsider and give the nominee the committee vote he deserves," McCoy added.

Nomination Put on Hold

The boycott ended on October 15, but the partisan wrangling did not. After the EPW committee voted 16-2 to submit Leavitt's nomination to the full Senate, six Senate Democrats and Independent Jim Jeffords immediately used Senate procedural rules to place indefinite holds on the nomination.

Jeffords said he would preclude a vote until he received materials from the Bush administration regarding its implementation of reforms to the New Source Review provisions of the Clean Air Act.

"Ultimately, the expected contentious floor debate never materialized, as Jeffords and 36 Democrats joined all 51 Senate Republicans in voting to confirm Leavitt."

Jeffords had been seeking the materials for more than two years and hoped his hold on the Leavitt nomination would give him leverage to obtain the confidential materials.

Florida Senator Bob Graham said he would not remove his hold on the nomination until Leavitt met with him in person. Leavitt did meet individually with the Democrats on the Environment and Public Works Committee but had not scheduled individual meetings with Senators not sitting on that committee.

New Jersey's Frank Lautenberg vowed to keep the nomination on hold until and unless Leavitt publicly vowed to reverse the "abysmal" environmental record of the Bush administration.

Hillary Clinton of New York stated she would not remove her hold until EPA gave her information regarding its cleanup efforts at the World Trade Center following the September 11, 2001 terrorist attacks.

Presidential hopefuls Joe Lieberman (Connecticut), John Kerry (Massachusetts), and John Edwards (North Carolina) asserted a variety of reasons for their opposition to a vote on Leavitt. Leavitt supporters viewed the holds as a byproduct of the Senators' Presidential campaigns.

Republicans Move to Get Vote

Frustrated at the lack of progress in breaking the stalemate, Senate Majority Leader Bill Frist (R-Tennessee) made an October 23 filing for cloture. A cloture motion requires 30 hours of debate before a mandatory vote on the nomination. Sixty senators must approve the cloture motion for it to take effect.

Republicans were reluctant to move for cloture, fearing the perceived strong-arm tactic might alienate Democrats sitting on the fence regarding the nomination. Other Republicans did not wish to give Democrats extended floor time to criticize the Bush administration's environmental policies.

Ultimately, the threat of a recess appointment motivated Frist to call for cloture. With Bush hinting he might appoint Leavitt during the upcoming winter recess, Senate Republicans feared they might suffer a backlash from the tactic, although it had previously been used by Democratic President Bill Clinton.

"It's important that the President's Cabinet be filled," explained Frist spokesperson Amy Call. "We worked with the interested parties extensively on this nomination to remove the holds. It's time to move forward."

Ultimately, the expected contentious floor debate never materialized, as Jeffords and 36 Democrats joined all 51 Senate Republicans in voting to confirm Leavitt. Sporadic criticism of Leavitt and the Bush administration was overshadowed by the near unanimous support for the Bush nominee.

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Environment & Climate News is available on the Internet. Point your web browser to **http://www.heartland.org**.

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Environment & Climate News is published 10 times per year by The Heartland Institute. Subscriptions are $36 per year. Order online at www.heartland.org. Heartland is a nonprofit and nonpartisan public policy research organization serving the nation's federal and state elected officials, journalists, Heartland Members, and other opinion leaders. Its activities are tax-exempt under Section 501(c)(3) of the Internal Revenue Code.

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Nitrate Alarmists Cost Consumers Plenty

by Alex Avery

Early in the Bush administration, a political row erupted over proposed changes in the maximum contaminant level (MCL) for arsenic in drinking water. In its final weeks, the Clinton administration initiated a 10-fold reduction in the MCL for arsenic, from 50 parts per million (ppm) to 5 ppm. The Bush administration suspended the change pending a reexamination of the science by the National Research Council.

The new MCL would be particularly burdensome on poor, rural communities, Bush administration officials explained. While the health risks of maintaining the MCL at 50 ppm appeared to be small, the compliance costs for reducing it were very high.

A similar small risk/high cost drinking water regulation has received almost no attention: the limit on nitrate in drinking water, currently set at 10 ppm. That regulation is costing U.S. communities and homeowners hundreds of millions of dollars per year, and the cost is increasing.

The Environmental Protection Agency is increasing its pressure on state agencies to enforce the standard, even though there is no evidence of a problem. Moreover, as communities grow, more are reaching the threshold at which the regulation is enforced. (The regulation applies to community water systems serving more than 15 homes or 25 people.)

Basis for Current Standard

Nitrate levels in drinking water are regulated for one reason only: to prevent blue baby syndrome, medically known as infantile methemoglobinemia. Blue baby syndrome affects infants less than one year old, most often those younger than 6 months. The syndrome occurs when nitr*ites* bind to hemoglobin (the oxygen carrier in red blood cells), knocking off oxygen, and thereby preventing oxygen transport. The condition literally turns babies blue, the color of deoxygenated blood.

The federal MCL for nitrates was established in 1963 and is based on data from a mere five blue baby cases identified in a survey conducted in 1949 by the American Public Health Association (APHA). During the 1940s, a number of blue baby cases connected to water contaminated with high nitrate levels was reported in medical journals. It was known that nitr*ites* were toxic and caused methemoglobinemia in humans of all ages. On the theory that gut bacteria can convert nitr*ate* (NO3) into toxic nitr*ite* (NO2), the APHA concluded the evidence warranted limiting infant exposure to nitrates. (At the time, many infants were fed powdered infant formula reconstituted with well or tap water, exposing them to nitrates in drinking water.)

In an effort to determine a safe level of nitrates, the APHA surveyed state health departments asking for information on blue baby cases "definitely associated with nitrate-contaminated water." All but one state responded to the survey. Seventeen states submitted data on a total of 214 blue baby cases. Most cases occurred at nitrate levels greater than 40 ppm, while five were reported at levels between 11 and 20 ppm. Since no blue baby cases were reported at nitrate levels below 10 ppm, this became the federal MCL.

No one knows if the information gathered by the APHA in 1949 is accurate. Many of the survey's blue baby cases were never formally diagnosed. Moreover, the survey is badly flawed because nitrate concentration data were often collected months after the blue baby event; nitrate levels in drinking water can vary dramatically over relatively short periods of time.

Finally, APHA never considered the fact that blue baby syndrome can be caused by internal (endogenous) factors, without any exposure to external nitrates or nitrites. APHA simply assumed that in blue baby cases where nitrates were present, the nitrates were the cause.

The most common cause of endogenous blue baby syndrome appears to be gastrointestinal maladies, such as gastroenteritis and diarrhea. Symptoms of gastrointestinal disorders, such as diarrhea and vomiting, are present in a majority of blue baby cases linked to nitrate-contaminated water.

Moreover, doctors in the 1940s were unable to cause blue baby syndrome in hospitalized infants by exposing them to formula with 100 ppm nitrate alone. Blue baby syndrome occurred only when the infants were exposed to 100 ppm nitrate nitrogen *and* pathogenic bacteria. Even then, the effects weren't dramatic. Thus, the relatively low nitrate levels in the five blue baby cases from the APHA survey were likely unrelated to the blue baby occurrences.

The MCL and Prevention Approach

Today, blue baby syndrome is an extremely rare event in developed countries. Most rural doctors in the United States have never seen even a single case, let alone a death. It is unclear whether this is due to increased awareness in areas where nitrates are present, a reduction in the use of powdered/concentrated infant formula that requires reconstitution with water, or a reduction in the endogenous factors that cause blue baby syndrome (i.e. gastrointestinal infections, diarrhea, etc.).

"EPA's current MCL for nitrates in water has a shaky scientific basis and a dubious public health benefit, while costing huge sums for those communities affected."

EPA estimated in 1990 that 66,000 infants are exposed annually to drinking water whose nitrate levels exceed the MCL, so we obviously haven't removed infant exposures to water with moderate nitrate levels.

While the supposed health threat from nitrates is limited to young infants, the MCL is imposed on all water from public water systems. This is a colossal waste of money, as 99.99 percent of the water is used for purposes other than diluting concentrated infant formula. It would be far cheaper simply to ban the sale of concentrated infant formulas, or even to provide 6 months of fully constituted infant formula to all mothers in affected areas.

Raising the MCL to 20 ppm nitrate-nitrogen would not be without precedent. Oklahoma, for example, maintained an MCL of 20 ppm until 1994, when EPA pressured the state to adopt the federal standard. Despite the higher MCL, Oklahoma had only one blue baby case reported in public health records over the past 40 years.

With the adoption of the lower federal MCL, some 20 rural Oklahoma communities suddenly face huge costs to solve a health problem none has ever experienced. For example, the small town of Hennessey, Oklahoma (population 2,058) is facing nearly $2 million in water treatment equipment costs, sizeable annual maintenance expenditures, and at least a doubling of the town's annual water use. All of the additional water used will be waste water from continually flushing the membrane filtration system in an area already short of water. The purpose of all this expense and waste? Reducing the nitrate levels in the town's water from 12 ppm to 9.9 ppm nitrate-nitrogen. This is just one tiny town in one state.

Nor does this regulation affect only municipal water suppliers. Any water system that serves more than 15 homes or 25 persons must comply. Individual homeowners are affected as well, because many homebuyers won't purchase a home with well water that does not meet a federal health standard. Homeowners whose groundwater exceeds the federal MCL find themselves either digging new wells, paying $1,000+ per tap to install point-of-use water treatment systems, or investing several thousand dollars in a whole-house filtration system.

When all of these costs are added up, the burden on U.S. communities likely exceeds $150 million per year and perhaps far more. Unfortunately, not even EPA has a credible estimate. In virtually all currently affected areas, the nitrate levels are less than 20 ppm, meaning a revision of the MCL would virtually eliminate these costs.

EPA's current MCL for nitrates in water has a shaky scientific basis and a dubious public health benefit, while costing huge sums for those communities affected. Congress has a duty to demand a thorough scientific review of the nitrate MCL by the National Research Council.

Alex Avery is director of research at the Hudson Institute's Center for Global Food Issues. Additional information can be found at **http://www.cgfi.org**.

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Federal Study Finds Lighter Vehicles Cause More Deaths

Fresh evidence that higher CAFE standards would sacrifice human life for fuel efficiency

by James M. Taylor

Reducing the weight of cars and sport utility vehicles (SUVs) results in significantly higher death rates among American motorists, concluded an October 14 study by the National Highway Transportation Safety Administration (NHTSA).

The study is expected to have important implications for the NHTSA's ongoing examination of new fuel economy mandates that would inevitably downsize the nation's cars and light trucks.

Hundreds More Will Die

The new study found that weight reductions in the most popular SUVs—those weighing less than 5,000 pounds—would make travel significantly less safe for the vehicles' occupants. Most SUVs are used by families to transport their children.

For the popular light and midsized SUVs, such as the Ford Explorer, a 100-pound reduction in weight would result in 234 additional traffic fatalities every year.

The study also determined that the most fuel-efficient cars have a fatality rate twice that of even the smaller SUVs, and four times the fatality rate of minivans. A 100-pound reduction in the weight of small passenger cars, such as the Toyota Corolla, would result in 597 additional deaths every year.

"The study confirms what we've known for a long time, that the down-weighting of vehicles has an adverse impact on safety," said Eron Shosteck, spokesperson for the Alliance of Automobile Manufacturers.

Questioning CAFE

The timing of the study is significant, as the NHTSA is currently considering proposals to force vehicles sold in the U.S. to become more fuel-efficient. Prior restrictions on fuel economy have required automakers to lightweight their vehicles.

"We're probably not too far away from releasing a notice on our thoughts on post-2007 fuel economy," said NHTSA spokesperson Rae Tyson on October 14. "I would say weeks rather than months."

Although the study adds to the weight of evidence that fuel economy standards sacrifice human life for energy conservation, the NHTSA did not explicitly reach that conclusion in its report.

"The NHTSA press release accompanying the study makes no mention of its implications for CAFE," despite the obvious implications, according to a statement issued by the Competitive Enterprise Institute.

Nevertheless, asserted CEI, the study "indicates that its fuel economy program (CAFE) is even deadlier than previously estimated.

"In 2001, a National Academy of Sciences panel concluded that CAFE contributes to between 1,300 and 2,600 traffic deaths per year, by restricting the production of large cars. NHTSA's newest study, however, finds that the effect of this downsizing on safety is 'substantially larger' than previously thought."

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INTERNET INFO

The full 334-page text of the NHTSA's October 2003 report, *Vehicle Weight, Fatality Risk, and Crash Compatibility of Model Year 1991-99*, is available through *PolicyBot*. Point your Web browser to **http://www.heartland.org**, click on the *PolicyBot* icon, and search for document **#13559**. A 23-page summary is available as document **#13560**.

GM Announces Hybrid Technology for Mass Transit

by James M. Taylor

General Motors Corp. has announced a new, road-ready hybrid electric technology that will save the Seattle area 750,000 gallons of fuel per year and could save more than 40 million gallons a year nationwide if adopted in just nine other major metropolitan areas.

As part of the first phase in its hybrid technology rollout, GM will equip 235 new buses with clean hybrid technology that will increase fuel economy at King County Metro Transit and Sound Transit by up to 60 percent.

The annual fuel savings from the new fleet will be equal to replacing more than 8,000 internal combustion engine cars with hybrid electric vehicles, GM said. The new hybrids will produce 90 percent fewer particulates, hydrocarbon emissions, and carbon monoxide emissions, and 60 percent fewer nitrogen oxides, than the buses they are replacing.

"The parallel hybrid electric system is the most efficient hybrid architecture available in the world today," said Tom Stephens, group vice president of GM Powertrain. "In addition to bringing the benefits of hybrid electric technology to commercial vehicles, our Allison Electric Drive System is helping establish hybrid technologies as effective, practical, and commercially viable beyond mass transit applications."

"GM will equip 235 new buses with clean hybrid technology that will increase fuel economy at King County Metro Transit and Sound Transit by up to 60 percent."

Stephens and other senior GM officials showcased the company's newest environmental technology while outlining the company's plans for dissemination of its breakthrough throughout the country.

"General Motors' hybrid strategy focuses on first applying hybrid technology to the highest fuel-consuming vehicles, such as transit buses and full-size pickup trucks and sport utility vehicles," said Stephens. "For example, replacing the 13,000 buses operating in the nine largest transit markets in the United States with our hybrid technology would result in annual savings of more than 40 million gallons of fuel, equivalent to more than half a million small hybrid passenger vehicles."

In addition to superior fuel economy and lower emissions, the GM technology delivers superior torque and 50 percent better acceleration than conventional diesel buses. The technology works for a broad range of commercial transit and trucking applications, including standard and articulated transit buses, suburban coaches, military vehicles, and medium- and heavy-duty trucks. The system is compatible with current vehicle architectures.

In addition to the King County fleet, Allison hybrid systems are in pilot programs in Austin, Hartford, Houston, Minneapolis, Newark, Orange County, Philadelphia, Portland, and Salt Lake City.

"The Allison Electric Drive system for mass transit applications is a crucial element of GM's larger, pragmatic approach to hybrid technology that targets a wide array of popular models with varying degrees of complexity to give consumers a variety of choice," said Elizabeth A. Lowery, GM vice president for environment and energy. "However, because hybrids cost several thousand dollars more than conventional vehicles, consumer-based tax credits and the availability of federal transit funds will play a crucial role in gaining market acceptance by making these technologies more affordable to car and truck buyers and to local transit authorities."

"This purchase will continue Metro's commitment to air quality and help change the image of the transit bus in our community," stated King County Executive Ron Sims. "I think hybrid technology has the opportunity to do that across the country."

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Study Says New Particulate Matter Rules Unnecessary

Stringent new limits would produce few if any benefits

by James M. Taylor

Air quality in the United States is good and will continue to improve in coming years, according to a newly published report written by Competitive Enterprise Institute adjunct scholar Joel Schwartz.

The findings of the report, *Particulate Air Pollution: Weighing the Risks*, challenge the assumption of many activists and politicians that current low levels of particulate matter pose a significant health risk and require increased federal regulation.

Joel Schwartz

"Evidence from multiple medical studies suggests that exposure to particulate matter at current levels has little or no effect on mortality in the United States. Regardless, processes already set in motion guarantee substantial reductions in coming years," wrote Schwartz.

Air quality in the U.S. has improved dramatically in recent decades due to emission reductions from industrial facilities and motor vehicles. The country achieved that success despite substantial increases in population, automobile travel, and energy production. Air pollution will continue to decline, reports Schwartz, because more recent vehicle models start out cleaner than earlier models and stay cleaner as they age, and also because already-adopted standards for new vehicles and existing power plants and industrial facilities will take effect in the next few years.

Nonetheless, both the Bush administration and congressional Democrats have proposed sweeping new measures aimed at power-plant particulate matter (PM) emissions. The proposals are largely justified by claims that current PM levels pose a serious public health threat.

Tighter Regulation Not Justified

Those claims rest on a weak foundation, asserts Schwartz. The U.S. Environmental Protection Agency (EPA) based its new annual fine PM (PM2.5) standard on a study known as the American Cancer Society (ACS) study of PM and mortality, which assessed the association between the risk of death between 1982 and 1998 with PM2.5 levels in dozens of American cities.

Although the ACS study reported an association between PM and mortality, some odd features of the ACS results suggest PM is not the culprit. For example, according to the ACS study, PM increased mortality in men, but not women; in those with no more than a high school diploma, but not those with at least some college education; in former smokers, but not in current smokers or persons who never smoked; and in those who said they were moderately active, but not in those who said they were very active or sedentary.

"The evidence, according to Schwartz, suggests the PM2.5 standard is unnecessarily stringent. Attaining it will be expensive and unlikely to improve public health."

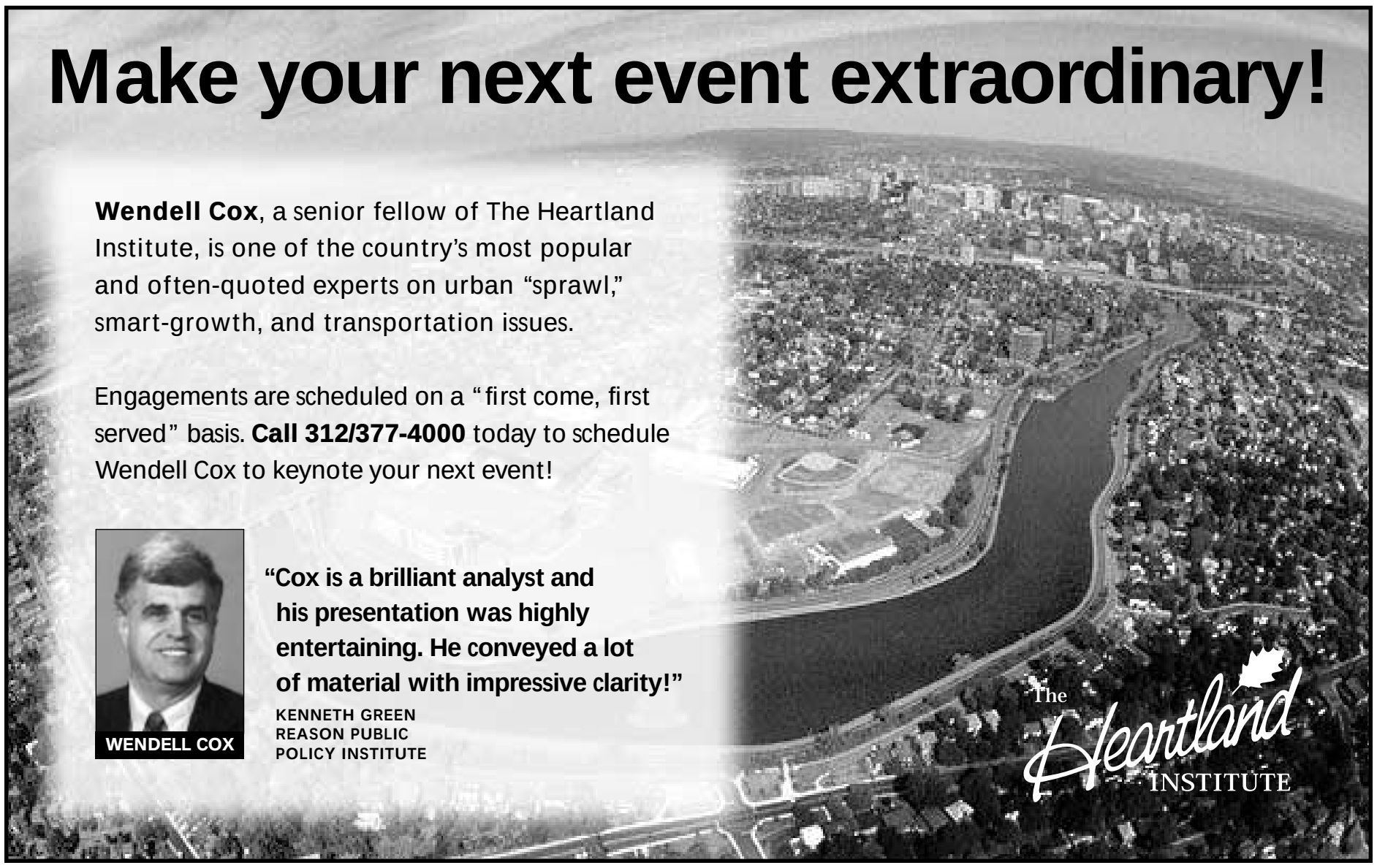
The ACS study offered no explanation for these odd, biologically implausible variations in the relationship between PM2.5 and mortality. Moreover, the ACS study reported that higher PM2.5 levels were not associated with an increased risk of mortality due to respiratory disease; a surprising finding, given that particulate matter air pollution would be expected to exert its effects through the respiratory system.

According to Schwartz, EPA also ignored the results of another epidemiologic study that found no effect of PM2.5 on mortality in a cohort of veterans with high blood pressure, even though this relatively unhealthy cohort should have been more susceptible to the effects of pollution than the general population.

The evidence, according to Schwartz, suggests the PM2.5 standard is unnecessarily stringent. Attaining it will be expensive and unlikely to improve public health.

"Additional near-term reductions in PM are probably best achieved by dealing with the stock of high-polluting older vehicles that account for a substantial portion of ambient PM levels in metropolitan areas," concludes Schwartz. "This flexible, more cost-effective approach is far more likely to result in net public health benefits than other proposals that are the focus of current legislative and regulatory activity and debate."

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heartland.org**.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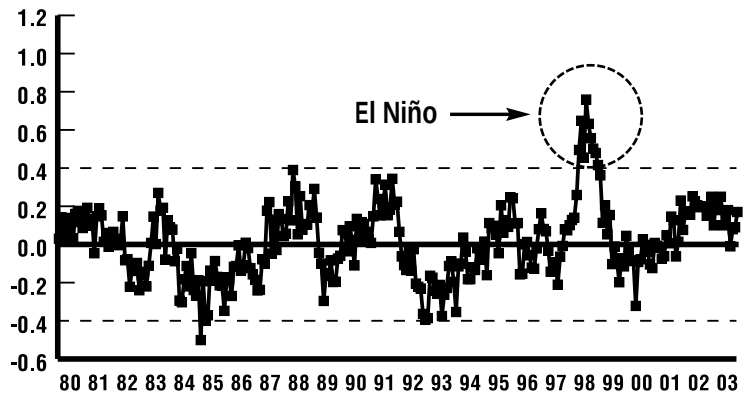
GLOBAL SATELLITE TEMPERATURES

EARTHTRACK

SEPTEMBER 2003

The global average temperature (top) for September was 0.17˚C above normal.
The Northern Hemisphere's temperature (middle) was 0.31˚C above normal.
The Southern Hemisphere's temperature (bottom) was 0.03˚C above normal.

GLOBAL AVERAGE



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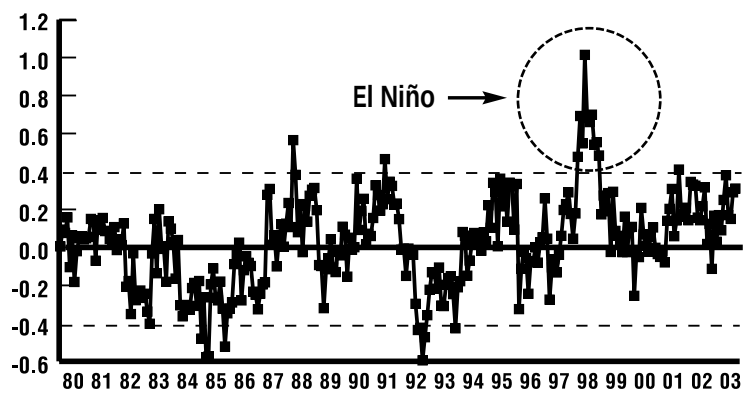
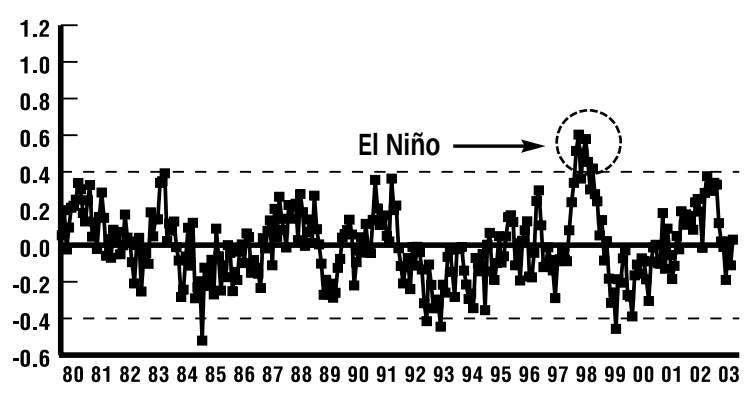


SOUTHERN HEMISPHERE



Each month, Earth Track updates the global averaged satellite measurements of the Earth's temperature. These numbers are important because they are real—not projections, forecasts, or guesses. Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C. The data used to create these graphs can be found on the Internet at **http://vortex.nsstc.uah.edu/data/msu/t2lt/tltglhmam_5.1**.

Beltway Smog in Retreat

Longtime residents have never experienced better air quality

by Ben Lieberman

Another Washington summer is over, as is another season of Washington smog.

While this summer's air quality was typical of recent years, many residents got the impression things have deteriorated. Local activists hyped each smog alert and predicted dire public health consequences, while the news coverage emphasized the Environmental Protection Agency's downgrade of the area's smog status from "serious" to "severe."

But the air pollution pessimism misses the mark. Washington's air quality is not nearly as bad as claimed, and provisions are already in place that ensure substantial progress in the years ahead.

Measurably Better

By virtually every measure, the Washington metropolitan area's air is far better today than it was during the 1970s. All of the six so-called criteria pollutants regulated under the 1970 Clean Air Act—carbon monoxide, lead, nitrogen dioxide, sulfur dioxide, particulate matter (soot), and ozone (smog)—are at measurably lower levels today than in the past. Washington is well within the federal standards for the first five, although a stringent new particulate matter standard will pose an additional challenge once it takes effect. Longtime residents have never experienced better air quality.

The slowest improvement has occurred with ozone, the primary constituent of smog. Despite impressive declines during the 1970s and 1980s, Washington's summer smog levels did not improve nearly enough in the 1990s to comply with the law. The area does not meet EPA's current ozone standard, much less a tougher new one that will take effect next year.

Even so, the air in the nation's capital is better than many have implied. Unlike truly smoggy cities like Los Angeles, Fresno, or Houston, Washington is almost always in compliance with the current ozone standard. Approximately 99 percent of the daily measurements from the area's 18 monitors show clean air ... but EPA throws out all but the worst readings when determining compliance.

While it's too soon to get complacent about Washington's air quality—especially with the more stringent standard on the way—there is no cause for alarm.

Margin of Safety Built in

Of course, the numerous Code Orange and occasional Code Red ozone alerts give a very different impression. But Code Orange merely warns us the smog standard may soon be approached—not exceeded.

Only Code Red days, of which the DC area experienced two this summer, signal a likely violation. "The ozone standard has a built-in margin of safety, so coming close and only occasionally exceeding it is not a dire public health problem," noted Kay Jones, a senior advisor to the President's Council on Environmental Quality during the Ford and Carter administrations who helped fashion the system on which the ozone alerts are based.

EPA's downgrade of the area's smog status to "severe" is similarly misleading, in that it implies the air has become dirtier and poses a growing health threat. Under the 1990 amendments to the Clean Air Act, metropolitan areas not meeting EPA's ozone standard were classified as marginal, moderate, serious, severe, or extreme, depending on how badly out of compliance they were as of 1989. At the time, Washington's peak smog level was at 165 parts per billion (ppb), which put it in the serious category. The area had until 1999 to meet the standard of 125 ppb or it would be dropped to the next lowest classification.

Washington missed the 1999 deadline, and earlier this year EPA officially reclassified it as severe. But Washington's air did not get worse—and by EPA's way of measuring, it actually improved.

From 2000 to 2002, ozone was at 131 ppb, according to the Metropolitan Washington Council of Governments (MWCOG), which coordinates efforts by the District of Columbia, Maryland, and Virginia to implement the Clean Air Act. The downgrade was merely for missing the 1999 deadline.

Future Looks Bright

Fortunately for the area's 5 million residents, help is already on the way. Motor vehicles are the biggest source of the pollutants that cause Washington's smog, and these emissions are declining because of tougher tailpipe standards. "With each new model year, motor vehicles start out and stay cleaner than previous models," noted Joel Schwartz, adjunct fellow with the American Enterprise Institute. That progress is likely to accelerate as even more stringent EPA emissions standards are phased in beginning with model year 2004.

Nonetheless, those who see Washington's air pollution as a crisis are demanding even greater sacrifices from the area's residents and businesses. For example, rather than improve the area's chronically congested roads and build new ones, some local activists and officials prefer to keep the traffic problems in place so as to discourage driving, expand public transportation as an alternative, and implement other "smart growth" restrictions on area residents' lifestyle choices.

Cleaner cars and trucks will provide the longer-term fix, but given current smog levels some additional near-term measures are unavoidable. The best measures appear to be those that solve the problem at the lowest cost and with the least hassle, and avoid overreacting based on the false premise that Washington's air quality is bad and getting worse.

Ben Lieberman is director of clean air policy with the Competitive Enterprise Institute, in Washington DC.

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Handful of States Threaten to Ignore NSR Reforms

"I'm interested in job creation and clean air, and I believe we can do both," Bush responds

by James M. Taylor

A handful of states opposing recent Bush administration reforms to the Clean Air Act have threatened to formalize the outdated rules in their own state laws.

"We don't like your rule, EPA—we're doing our own," summarized Bill Becker, executive director of an air pollution activist group leading the opposition.

At issue are reforms to the New Source Review component of the Clean Air Act, announced August 27 by the U.S. Environmental Protection Agency. The reforms clarify when the federal government expects power plants to purchase and install new anti-pollution technology when performing routine maintenance on facilities.

The reforms include several new regulatory guidances. Most significantly, power plants will be required to purchase and install the most advanced anti-pollution technology only when they replace equipment that costs at least 20 percent of the plant's essential production equipment.

The new rule was welcomed by power companies that previously had little guidance regarding the federal government's expectations. But state officials in Georgia, New Jersey, North Carolina, South Carolina, and Wisconsin were not so accepting of the reforms.

On October 16, they announced they would formulate state rules to mirror the old federal rules. The announcement followed the lead of California's legislature, which on September 11 approved a bill authorizing state officials to enforce the New Source Review language that existed prior to the recent reforms.

Illinois, Massachusetts, Nevada, New York, and Pennsylvania also have indicated they oppose the NSR reforms. New York Attorney General Eliot Spitzer is leading a series of court challenges to the new rules.

Clarifying the Issue

State and federal regulators had often used the ambiguity of the rules and the threat of litigation to force companies to undertake more technology upgrades than the law required.

"We're going to be progressive," said Bill O'Sullivan air quality permitting chief for New Jersey, to justify his state's threat to codify the old NSR rules in state regulations.

President Bush, however, said there was nothing "progressive" about keeping obsolete and unnecessarily complex rules in force. "I changed those regulations," Bush told workers at Michigan's largest power plant. "Now we've issued new rules that will allow utility companies like this one right here to make routine repairs and upgrades without enormous costs and endless disputes."

Bush noted the power plant had proposed a major upgrade in 1999—an upgrade that would substantially reduce the plant's pollution emissions—but has failed to implement much of the upgrade out of fear of regulatory penalties.

"When the company took the plan to the EPA," Bush told the workers, "the first thing that happened is they had to wait a year for an answer. And when the answer did come back, it was so complicated—because the rules are so complicated—that Detroit Edison decided to delay part of the project until its experts could decipher the details of the ruling. The government sometimes doesn't help.

"Instead of playing politics with environmental legislation, we need to come together and do what's right for American workers and American families," Bush added. "I'm interested in job creation and clean air, and I believe we can do both."

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States Sue EPA for Refusing to Regulate CO2

by James M. Taylor

Officials from 10 states, primarily in the Northeast and on the West Coast, have taken steps to challenge the Environmental Protection Agency's finding that CO2 is not a pollutant under the Clean Air Act.

EPA on August 28 rejected a petition by various environmental activist groups to regulate carbon dioxide (CO2) as a pollutant. According to Jeffrey Holmstead, who oversees EPA's air programs, the Clean Air Act "does give us authority to do research on climate change, not to issue regulation ... Where there is a major public policy issue, Congress needs to decide."

"EPA cannot assert jurisdiction to regulate in this area," explained EPA general counsel Robert Fabricant. "It is clear that an administration agency properly awaits congressional direction on a fundamental policy issue such as global climate change, instead of searching for an existing statute that was not designed or enacted to deal with that issue."

The activist groups had based their petition on October 1999 congressional testimony by then-EPA administrator Carol Browner, indicating her belief EPA had authority under the Clean Air Act to regulate CO2.

However, the Clinton administration did not take steps to regulate CO2 until shortly before it left office, thereby leaving a final determination on whether to regulate CO2 to the Bush administration.

Since announcing in March 2001 it would not join the Kyoto Protocol, the Bush administration has consistently cited scientific evidence suggesting no link between human activity and alarmist predictions of global climate change. EPA's August 28 decision not to regulate CO2 thus did not come as a surprise to political observers.

In response to EPA's decision, attorneys general from Connecticut, Maine, and Massachusetts announced they would file suit to force the agency to implement regulations. Officials from California and several other states, primarily Democratic administrations in the Northeast and on the West Coast,

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California Governor-Elect Arnold Schwarzenegger will support his predecessor's decision to join the states' CO2 suit against EPA.

thereafter indicated they would join the suit. Newly elected California Governor Arnold Schwarzenegger indicated he would not change former Governor Gray Davis' decision to join the suit.

The legal action coincided with an announcement by the governors of California, Oregon, and Washington, who will undertake a joint program to reduce greenhouse gas emissions in the transportation sector. The states will cooperate in purchasing low-emission state vehicles, encouraging the use of renewable energy, and establishing emissions-free power stations at truck stops along Interstate 5, which parallels the Pacific coast.

State Politics Ignores New Science

The states' action to challenge EPA on global warming and institute state-specific greenhouse gas programs was called into question by a new round of scientific evidence casting doubt on alarmist global warming theories.

A temperature study of towns and cities in South Korea, published in *International Journal of Climatology,* concluded that city population centers create heat islands that artificially inflate temperature readings at ground-based weather stations.

That helps explain why satellite readings of the lower atmosphere, where signs of global warming are first expected to appear, show no warming since readings began in 1979—even though ground-based weather stations in urban areas produce slightly elevated temperature readings.

"Temperatures of large urban stations exhibit higher urban bias than those of smaller urban stations and that magnitude of urban bias has increased since the late 1980s," stated the authors of the study. "Estimates of the annual mean magnitude of urban bias range from 0.35 degrees C for smaller urban stations to 0.50 degrees C for large urban stations."

Additionally, a new study published in *Geophysical Research Letters* concluded that abrupt climate changes "appear to be paced by a 1,470 year cycle." The study indicates the Little Ice Age of the sixteenth to eighteenth centuries was a product of the climatic cycle, and that the Earth's rebound from that cyclical period of low temperatures is a natural event not connected to human activity.

Furthermore, a study in the Russian journal *Geomagnetizm i Aeronomiya* (Geomagnetism and Aeronomy) presented a wide array of evidence that although "a number of publications report that the anthropogenic impact on the Earth's climate is an obvious fact ... none of the investigations dealing with the anthropogenic impact on climate convincingly argues for such an impact."

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Russia

Continued from page 1

Putin would use the conference as the stage for announcing Russia's full and final commitment to Kyoto. What occurred instead was a thunderbolt unexpected by the Protocol's friends and foes alike.

"This is part of a complex of difficult and unclear problems," Putin told the conference. Not only is there a lack of scientific evidence suggesting human-induced global warming, Putin stated, but even if such evidence existed, Kyoto would be expensive and ineffective. "Even 100 percent compliance won't reverse climate change," said Putin.

Putin's top economic advisor, Andrei Illariov, rebuffed suggestions Russia might benefit in the short term by selling CO2 credits resulting from a recent decline in the Russian economy. In the long term, said Illariov, "the Kyoto Protocol will stymie economic growth. It will doom Russia to poverty, weakness, and backwardness."

Global warming alarmists attempted to dismiss the Russian position as a stalling strategy to, in the words of Climate Action Europe's Jason Anderson, "try to wheedle out every last bit of financial advantage from both pro- and anti-Kyoto governments before they make any decision."

Doubt Warming Theory

In addition to noting the severe economic costs Kyoto would impose on Russia, Illariov emphasized that scientific evidence raises important doubts about global warming theory.

Among other things, Illariov pointed out that satellite and weather balloon measurements of the Earth's lower atmosphere show little or no warming; that most of the Earth's twentieth century warming occurred before significant human CO2 emissions; that the Earth actually cooled during the middle of the twentieth century, when there was the greatest increase in CO2 emissions; and that temperatures today are cooler than global temperatures that existed at the dawn of the last millennium.

The position of Putin and Illariov was bolstered by Yuri Izrael, Putin's most influential science advisor. Stated Izrael, "All the scientific evidence seems to support the same general conclusions, that the Kyoto Protocol is overly expensive, ineffective, and based on bad science."

Alarmist global warming theories, added Kirill Kondratiev, head of the Russian Academy of Sciences, "are inaccurate ... and contrary to the opinions held by most scientists."

The ramifications of the Russian stance on Kyoto are potentially enormous. "The whole Kyoto Protocol stands and falls with Russia," said Boerge Brende, head of the United Nations committee charged with overseeing Kyoto pledges made at last year's Johannesburg Earth Summit.

Added Fred Smith, president of the Competitive Enterprise Institute (CEI), "This is the most important development in the public debate over global warming since President Bush's decision" to reject the Kyoto Protocol.

Crumbling "Consensus"

As an initial matter, Russian opposition would mean that countries representing less than 45 percent of human CO2 emissions are supportive of the Kyoto Protocol. That not only would doom the Protocol, but also would serve as a powerful rebuttal to those claiming the U.S. is flouting international consensus and scientific agreement in refusing to sign on to the treaty.

"The Western scientific 'consensus' that greenhouse gases are the prime culprit has long brushed these and other scientific questions aside—and branded dissenters as beyond the fringe," explained CEI climate change specialist Iain Murray.

"However, accomplished Russian scientists don't need to buy into 'scientific correctness' to advance their careers," he continued. "They have looked at the evidence with the skepticism demanded of careful scientists, and have not been convinced that the case is proven.

"On the conference's final day, the conference chairman acknowledged that scientists who questioned the 'consensus' made about nine out of 10 contributions from the floor. This is why President Putin's advisors described the Kyoto Protocol as 'scientifically flawed,' language far stronger than that used by President Bush."

"Taken together with a succession of Russian scientists using this conference to cast doubt on the science of global warming, the event is proving something of a nightmare for supporters of worldwide action to combat climate change," BBC News Online reported on September 30.

"The Bush administration is no longer isolated in the world," added *Chicago Sun-Times* columnist Robert Novak. "A U.S.-Russian partnership against global-warming zealots opens the way for a new alignment of nations" such as Australia, which has similarly rejected global warming alarmism and the Kyoto Protocol.

Massachusetts Institute of Technology climatologist Richard Lindzen praised the Russians for having the courage to stand up to the European Union's global warming dogma. Global warming alarmism, said Lindzen, is "a symbol of our divorce from nature and its processes ... our grandchildren will look back and wonder how we retreated to the Middle Ages, substituting belief for calculation."

"The important thing is that nobody, including the supporters of Kyoto Protocol ratification, takes issue with the fact that the pursuit of the Kyoto Protocol requirements and [that of] economic growth are opposed directions," summarized Illariov. "They are incompatible."

Summarized Kondratiev, "The only people who would be hurt by abandoning the Kyoto Protocol would be several thousand people who make a living attending conferences on global warming."

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U.S., Russia Create Oil Spill Prevention and Response Plan

by James M. Taylor

U.S. Energy Secretary Spencer Abraham and Russian Energy Minister Igor Yusufov announced on September 22 that the two nations have joined forces to create a landmark oil spill prevention and response plan.

The agreement paves the way for the U.S. and Russia to share technology and prepare joint prevention and response plans to reduce the risk of oil spills and resultant environmental damage.

The announcement was made during a three-day summit in St. Petersburg, Russia, aimed at facilitating economic and environmental cooperation between the two nations. The summit follows a similar meeting held last year in Houston.

"The goals of this summit, from the U.S. perspective, are to strengthen the overall U.S.-Russian relationship and to enhance the global energy dialogue, recognizing that successful development of the global economy depends on timely and reliable energy delivery," according to a spokesperson for the U.S. Department of Energy.

In addition to reaching agreement on oil spill prevention and response plans, the two nations discussed building an oil pipeline from interior Russia to the Arctic Ocean. From the port of Murmansk, crude oil could be shipped year-round to the United States.

Russia already accounts for 4 percent of U.S. oil imports. While the U.S. is seeking alternatives to Mideast crude oil exporters, Russia has made great strides in increasing the production and delivery capacity of its enormous oil reserves. Easier access to Russian oil reserves, the eighth largest in the world, would lessen U.S. vulnerability to OPEC price dictates.

Getty

U.S. Secretary of Energy Spencer Abraham (left) and Russian Minister of Energy Igor Yusufov (center) talk with an employee at the U.S. Strategic Petroleum eserves' Bryan Mound facility in Freeport, Texas.

Progress was also made on cooperation between the U.S. and Russia regarding natural gas supplies. Russia has the world's largest natural gas reserves but an unreliable production and delivery infrastructure. As environmental issues force an increasing share of U.S. domestic natural gas fields out of potential production, access to Russian natural gas is another Energy Department priority.

Russian summit delegates expressed a willingness to cooperate with the U.S. government and American companies to upgrade the Russian natural gas infrastructure in anticipation of future exports to the United States.

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High Costs of Kyoto Compliance Punishing Canadians

by Kenneth Green, Ph.D.

Roughly a year after signing the Kyoto Protocol, the Canadian federal government has taken concrete actions that make it possible to put a price tag on that signature. The Chrétien government has said it plans to "invest" $1 billion on Kyoto in this year's budget, to meet 8 percent of Canada's commitment to reduce greenhouse gas emissions.

Let's set aside for a moment the debate over whether climate change really poses a threat to humanity or the environment, and just do some calculations. Last year, it cost Environment Canada about $150 million to administer a budget of $841 million. That's about an 18 percent administration fee. So Chrétien's pledged $1 billion for greenhouse gas reduction is really likely to cost $1.18 billion.

But it also costs money to raise money. According to the federal ministry of finance, the least expensive way to raise taxes is through the sales tax, through which it costs about 17 cents to extract $1 in tax revenues from the public. So to raise and spend Chrétien's $1 billion will cost at least $1.35 billion.

Now, if it's going to take $1.35 billion to meet 8 percent of the Kyoto target, then a fairly simple calculation tells us achieving 100 percent is going to cost at least $16.88 billion.

But that's just the tip of the iceberg. Studies suggest that for every dollar the government spends on a regulatory initiative in the U.S. or Canada, the private sector spends at least 20 times as much in order to comply. Adding private-sector spending to the government spending, that would bring the full price tag for Kyoto compliance in Canada to about $354 billion.

"[A]ccording to respected Yale economist William Nordhaus, ... [e]ven if global warming is really happening, we stand to gain $1 in benefits for every $7 we spend [on the Kyoto Protocol]."

And that $354 billion, if it is to have any effect, will have to be spent before 2008, since the 2008-2012 time period is the one by which Canadian greenhouse gas emissions are supposed to have been reduced to 6 percent below those of 1990.

So, spreading $354 billion over five years, that's about $71 billion per year taken out of a GDP that's about $1.14 trillion—about a 6 percent annual reduction in GDP. Presuming all costs flow down to the roughly 15 million taxpayers in Canada, that's about $4,700 per taxpayer per year for the next five years!

Of course, that's probably a low estimate, since some studies suggest even higher compliance costs for industry; other forms of taxation increase the cost of raising money; and it's likely to cost more for each succeeding set of reductions: While the first 8 percent might cost $1 billion, the next 8 percent is likely to cost more, and so on with each succeeding step toward the target.

What might all this spending achieve? Even those who believe global warming is currently happening and poses future threats admit Kyoto will buy precious little safety.

For example, Jerry Mahlman, director of the Geophysical Fluid Dynamics Laboratory at Princeton University, told the *Washington Post*, "the best Kyoto can do is to produce a small decrease in the rate of increase." And in a post-Kyoto *Science* news brief, Mahlman admitted "it might take another 30 Kyotos over the next century" to properly address the global warming predicted by alarmists.

Bert Bolin, outgoing chairman of the United Nations Intergovernmental Panel on Climate Change, assessed the impact of Kyoto as a 0.4 percent reduction in greenhouse gas emissions compared to a no-protocol alternative, and concluded: "The Kyoto conference did not achieve much with regard to limiting the buildup of greenhouse gases in the atmosphere."

Do other benefits gained from avoiding predicted global warming make up for the spending we do today? Not according to respected Yale economist William Nordhaus, whose study of the Kyoto Protocol's benefits and costs found a benefit-cost ratio of 1/7: Even if global warming is really happening, we stand to gain $1 in benefits for every $7 we spend.

Dr. Kenneth Green is chief scientist and director for the Risk & Environment Centre at the Fraser Institute. His email address is **keng@fraserinstitute.ca**.

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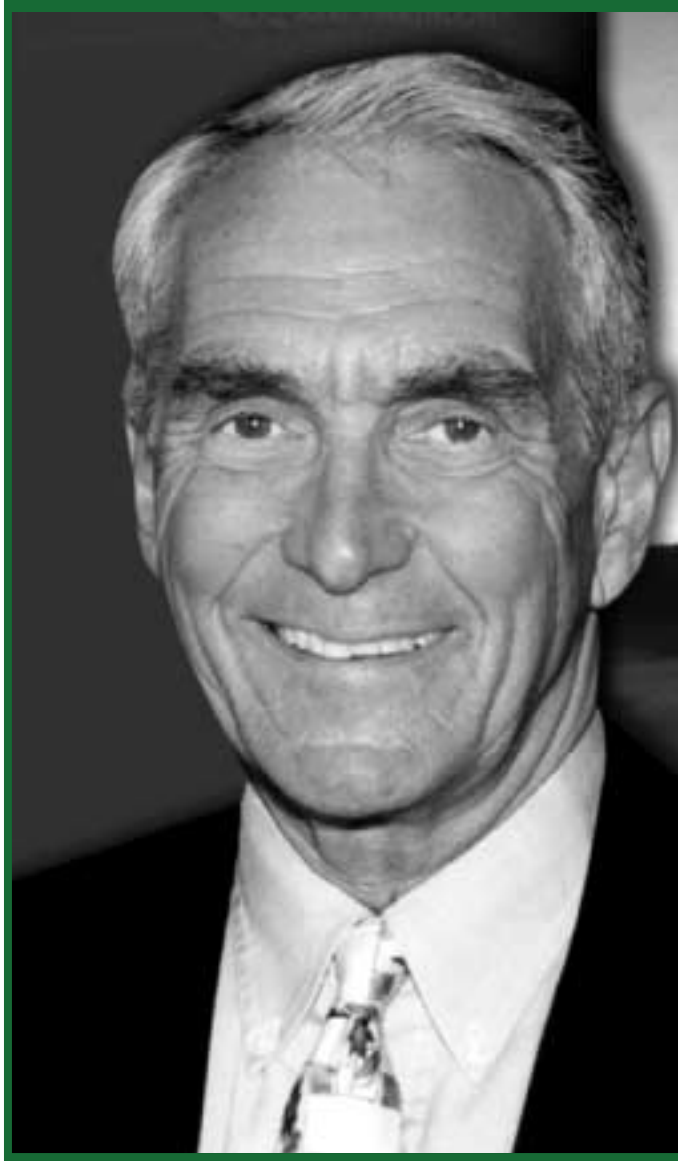

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"The actual dawn of civilization occurred in a period climatologists call the 'climatic optimum,' when the mean surface temperature was 1-2° Celsius warmer than today."

PART 2 IN A SERIES

Senator: No Warmin

Managing Editor's note:
Senator James Inhofe (R-Oklahoma), chairman of the Senate Committee on Environment and Public Works, delivered a detailed critique of global warming theory on July 28. The following is the second in a series excerpting Inhofe's remarks. Subheads have been added for the reader's convenience.

The Science of Climate Change

Senate Floor Statement by U.S. Sen. James M. Inhofe (R-Oklahoma)
Chairman, Committee on Environment and Public Works
July 28, 2003

One might pose the question: If we had the ability to set the global thermostat, what temperature would we pick? Would we set it colder or warmer than it is today? What would the optimal temperature be? The actual dawn of civilization occurred in a period climatologists call the "climatic optimum," when the mean surface temperature was 1-2° Celsius warmer than today. Why not go 1 to 2 degrees Celsius higher? Or 1 to 2 degrees lower for that matter?

The Kyoto emissions reduction targets are arbitrary, lacking in any real scientific basis. Kyoto therefore will have virtually no impact on global temperatures. This is not just my opinion, but the conclusion reached by the country's top climate scientists.

Dr. Tom Wigley, a senior scientist at the National Center for Atmospheric Research, found that if the Kyoto Protocol were fully implemented by all signatories—this next point assumes that the alarmists' science is correct, which of course it is not—if Kyoto were fully implemented it would reduce temperatures by a mere 0.07° Celsius by 2050, and 0.13° Celsius by 2100. What does this mean? Such an amount is so small that ground-based thermometers cannot reliably measure it.

Dr. Richard Lindzen, an MIT scientist and member of the National Academy of Sciences, who has specialized in climate issues for over 30 years, told the Committee on Environment and Public Works on May 2, 2001 that there is a "definitive disconnect between Kyoto and science. Should a catastrophic scenario prove correct, Kyoto would not prevent it."

Similarly, Dr. James Hansen of NASA, considered the father of global warming theory, said the Kyoto Protocol "will have little effect" on global temperature in the twenty-first century. In a rather stunning follow-up, Hansen said it would take 30 Kyotos to reduce warming to an acceptable level. If one Kyoto devastates the American economy, what would 30 do?

So this leads to another question: If the provisions in the Protocol do little or nothing measurable to influence global temperatures, what does this tell us about the scientific basis of Kyoto?

Answering that question requires a thorough examination of the scientific work conducted by the U.N.'s Intergovernmental Panel on Climate Change, which provides the scientific basis for Kyoto, international climate negotiations, and the substance of claims made by alarmists.

IPCC Assessment Reports

The science of Kyoto is based on the "Assessment Reports" conducted by the Intergovernmental Panel on Climate Change, or IPCC. Over the past 13 years, the IPCC has published three assessments, with each one over time growing more and more alarmist.

The first IPCC Assessment Report in 1990 found that the climate record of the past century was "broadly consistent" with the changes in Earth's surface temperature, as calculated by climate models that incorporated the observed increase in greenhouse gases.

This conclusion, however, appears suspect considering the climate cooled between 1940 and 1975, just as industrial activity grew rapidly after World War II. It has been difficult to reconcile this cooling with the observed increase in greenhouse gases.

After its initial publication, the IPCC's Second Assessment report in 1995 attracted widespread international attention, particularly among scientists who believed that human activities were causing global warming. The IPCC report was replete with caveats and qualifications, providing little evidence to support anthropogenic theories of global warming. The preceding paragraph in which the "balance of evidence" quote appears makes exactly that point.

Moreover, the IPCC report was quite

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ing Trend Evident in Twentieth Century

explicit about the uncertainties surrounding a link between human actions and global warming. "Although these global mean results suggest that there is some anthropogenic component in the observed temperature record, *they cannot be considered compelling evidence* of a clear cause-and-effect link between anthropogenic forcing and changes in the Earth's surface temperature."

Remember, the IPCC provides the scientific basis for the alarmists' conclusions about global warming. But even the IPCC is saying their own science cannot be considered compelling evidence.

IPCC Releases Third Assessment

Five years later, the IPCC was back again, this time with the Third Assessment Report on Climate Change. In October 2000, the IPCC "Summary for Policymakers" was leaked to the media, which once again accepted the IPCC's conclusions as fact.

Based on the summary, the *Washington Post* wrote on October 30, 2000, "The consensus on global warming keeps strengthening." In a similar vein, the *New York Times* confidently declared on October 28, "The international panel of climate scientists considered the most authoritative voice on global warming has now concluded that mankind's contribution to the problem is greater than originally believed."

Such reporting prompted testimony by Dr. Richard Lindzen before the Committee on Environment and Public Works, the committee I now chair, in May 2001. Lindzen said, "Nearly all reading and coverage of the IPCC is restricted to the highly publicized Summaries for Policymakers, which are written by representatives from governments, NGOs, and business; the full reports, written by participating scientists, are largely ignored."

The predictions in the summary went far beyond those in the IPCC's 1995 report. In the Second Assessment, the IPCC predicted the Earth could warm by 1 to 3.5˚ Celsius by the year 2100. The "best estimate" was a 2˚ Celsius warming by 2100. Both are highly questionable at best.

In the Third Assessment, the IPCC dramatically increased that estimate to a range of 1.4 to 5.8˚ Celsius, even though no new evidence had come to light to justify such a dramatic change.

What changed? As it turned out, the new prediction was based on faulty, politically charged assumptions about trends in population growth, economic growth, and fossil fuel use.

The extreme-case scenario of a 5.8˚ warming, for instance, rests on an assumption that the whole world will raise its level of economic activity and per-capita energy use to that of the United States, and that energy use will be carbon-intensive. This scenario is simply ludicrous. This essentially contradicts the experience of the industrialized world over the past 30 years. Yet the 5.8˚ figure featured prominently in news stories because it produced the biggest fear effect.

Even Dr. Stephen Schneider, an outspoken believer in catastrophic global warming, criticized the IPCC's assumptions in the journal *Nature* on May 3, 2001. Schneider's own calculations, which cast serious doubt on the IPCC's extreme prediction, broadly agree with an MIT study published in April 2001. It found there is a "far less" than 1 percent chance that temperatures would rise to 5.8˚ C or higher, while there is a 17 percent chance the temperature rise would be lower than 1.4˚.

That point bears repeating: Even true believers think the lower number is 17 times more likely to be right than the higher number. Moreover, even if the Earth's temperature increases by 1.4˚ Celsius, does it really matter? The IPCC doesn't offer any credible science to explain what would happen.

Dr. David Wojick, an expert in climate science, recently wrote in Canada's *National Post*, "The computer models (GCMs) cannot ... decide among the variable drivers, like solar versus lunar change, or chaos versus ocean circulation versus greenhouse gas increases. Unless and until they can explain these things, the models cannot be taken seriously as a basis for public policy."

Again, to reiterate in plain English, this means the models do not account for key variables that influence the climate system.

Despite this, the alarmists continue to use these models and all the other flimsy evidence I've cited to support their theories of man-made global warming.

Satellites, Weather Balloons, CO2, and Glaciers

Now I want to turn to temperature trends in the twentieth century. GCMs predict that rising atmospheric CO2 concentrations will cause temperatures in the troposphere, the layer from 5,000 to 30,000 feet, to rise faster than surface temperatures—a critical fact for the alarmist hypothesis.

But in fact, there is no meaningful warming trend in the troposphere, and weather satellites, widely considered the most accurate measure of global temperatures, have confirmed this.

Using NOAA satellite readings of temperatures in the lower atmosphere, scientists at The University of Alabama in Huntsville (UAH) produced a dataset that shows global atmospheric warming at the rate of about 0.07˚ C (about 0.13˚ Fahrenheit) per decade since November 1978.

"That works out to a global warming trend of about one and a quarter degrees Fahrenheit over 100 years," said Dr. John Christy, who compiled the comparison data. Christy concedes such a trend "is probably due in part to human influences," but adds that "it's substantially less than the warming forecast by most climate models, and"—here is the key point—"it isn't entirely out of the range of climate change we might expect from natural causes."

To reiterate: The best data collected from satellites validated by balloons to test the hypothesis of a human-induced global warming from the release of C02 into the atmosphere shows no meaningful trend of increasing temperatures, even as the climate models exaggerated the warmth that ought to have occurred from a build-up in C02.

Some critics of satellite measurements contend they don't square with the ground-based temperature record. But some of this difference is due to the so-called "urban heat island effect." This occurs when concrete and asphalt in cities absorb—rather than reflect—the sun's heat, causing surface temperatures and overall ambient temperatures to rise. Scientists have shown that this strongly influences the surface-based temperature record.

In a paper published in the *Bulletin of the American Meteorological Society* in 1989, Dr. Thomas R. Karl, senior scientist at the National Climate Data Center, corrected the U.S. surface temperatures for the urban heat-island effect and found there has been a downward temperature trend since 1940. This suggests a strong warming bias in the surface-based temperature record.

When we look at the twentieth century as a whole, we see some distinct phases that question anthropogenic theories of global warming. First, a strong warming trend of about 0.5˚ C began in the late nineteenth century and peaked around 1940. Next, the temperature decreased from 1940 until the late 1970s.

Why is that decrease significant? Because about 80 percent of the carbon dioxide from human activities was added to the air after 1940, meaning the early twentieth century warming trend had to be largely natural.

Yet the doomsayers, undeterred by these facts, just won't quit. In February and March 2002, the *New York Times* and the *Washington Post*, among others, reported the collapse of the Larsen B ice shelf in the Antarctic Peninsula, causing quite a stir in the media and providing alarmists with more propaganda to scare the public.

Although there was no link to global warming, the *Times* couldn't help but make that suggestion in its March 20 edition. "While it is too soon to say whether the changes there are related to a buildup of the 'greenhouse' gas emissions that scientists believe are warming the planet, many experts said it was getting harder to find any other explanation."

The *Times*, however, simply ignored a recent study in the journal *Nature*, which found the Antarctic has been cooling since 1966. And another study in *Science* recently found the West Antarctic Ice Sheet has been thickening rather than thinning.

University of Illinois researchers also reported "a net cooling on the Antarctic continent between 1966 and 2000." In some regions, like the McMurdo Dry Valleys, temperatures cooled between 1986 and 1999 by as much as two degrees centigrade per decade.

In perhaps the most devastating critique of glacier alarmism, the American Geophysical Union found that the Arctic was warmer in 1935 than it is now. "Two distinct warming periods from 1920 to 1945, and from 1975 to the present, are clearly evident ... compared with the global and hemispheric temperature rise, the high-latitude temperature increase was stronger in the late 1930s to early 1940s than in recent decades."

Again, that bears repeating: 80 percent of the carbon dioxide from human activities was added to the air after 1940—yet the Arctic was warmer in 1935 than it is today.

So, not only is glacier alarmism flawed, but there is no evidence, as shown by measurements from satellites and weather balloons, of any meaningful warming trends in the twentieth century.

"The Kyoto emissions reduction targets are arbitrary, lacking in any real scientific basis. Kyoto therefore will have virtually no impact on global temperatures. This is not just my opinion, but the conclusion reached by the country's top climate scientists."

INTERNET INFO

For more information on the science of global warming and economics of measures proposed to address it, visit the ClimateSearch Web site at **http://www.climatesearch.com** and The Heartland Institute's Environment Issue Suite at **http://www.heartland.org**.

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Houghton Calls Global Warming a "Weapon of Mass Destruction"

by S. Fred Singer

The British newspaper *The Guardian* recently ran an article by Sir John Houghton asserting that "human-induced climate change is a weapon of mass destruction." He also charged that the "United States, in an epic abandonment of leadership, was largely responsible for this threat."

Houghton's allegations are as wrong as they are outrageous. Terrorism and the use of weapons of mass destruction are a real and demonstrated threat. Dangerous climate change decades or a century hence is a hypothesis produced by mathematical models.

To make his case, Houghton cites statistics on this year's heat wave in India and tornados in the United States. He knows full well that one year's weather is not a proxy for climate. He also knows projections of human-induced climate change are based on mathematical models that have not been validated and cannot replicate past climate without the introduction of "fudge factors."

"[P]rojections of human-induced climate change are based on mathematical models that have not been validated and cannot replicate past climate without the introduction of 'fudge factors.'"

What we know about the climate system is meager compared to what we don't know. We know that over the past century the Earth's temperature has increased about 1 degree Fahrenheit; we know that levels of CO2 have increased about 35 percent; and we know that human activities have had some indeterminate influence on climate. Beyond those few facts, almost everything else is hypothesis and speculation—a questionable basis for actions that have significant negative economic impacts and extend the world's current level of poverty.

Far from abandoning leadership, the United States is doing more than any other nation to address any long-term risk of climate change. The fact that the U.S. has rejected the ill-conceived Kyoto Protocol, which imposes energy rationing as a vehicle for achieving lower emissions, does not mean the U.S. is doing nothing.

U.S. expenditures for climate-related actions will be about $4.5 billion in 2004. The Bush administration has recently released a strategic research plan to fill gaps in our knowledge that have been widely acknowledged and documented by the National Academy of Sciences and others in the scientific community.

Those gaps are not trivial. They include understanding natural variability, cloud formation, the influence of ocean currents, solar influences, water vapor, aerosols, and climate feedbacks. Those gaps help to explain why estimates of temperature increases associated with doubling CO2 concentration in the atmosphere vary by a factor of at least three.

In addition to investing in climate science, the U.S. has initiated a major effort to develop new energy technologies, signed more than a dozen bilateral agreements with other nations to better manage emissions, and reached voluntary agreements with major industries to reduce emissions growth.

The difference between the approach being taken by the United States and that favored by Houghton is the difference between action based on facts and due regard for consequences, and actions driven by sophisticated but invalidated computer models.

These realities lead to an obvious question: Why would a climate scientist use such extreme rhetoric when he knows science does not support his allegations? Only Houghton himself knows the answer to that question.

However, it is fair to point out that his past claim—that the science of climate change is settled—has not been borne out by the facts. That is clearly demonstrated by reports prepared by the National Academy of Sciences. Moreover, his claim that there is a "scientific consensus" on human impacts is bogus, since science doesn't operate by polling. It is also fair to point out Houghton was co-chair of the Intergovernmental Panel on Climate Change, which provided the questionable underpinnings for the rush to judgment that produced the Kyoto Protocol.

Kyoto's many flaws are becoming more apparent with the passage of time. While Houghton is wedded to the Kyoto process, which would lead to ever more stringent constraints on energy use, several distinguished climate scientists demonstrated in an article in *Science* that the technology needed to significantly reduce CO2 emissions without causing unacceptable economic harm does not currently exist.

All of this leads me to conclude Houghton is desperately trying to defend the indefensible and promote a political agenda. A politician who used such extreme rhetoric would be dismissed as pandering to a special interest. A scientist who does the same thing should also be dismissed.

The greatest threat to wise policy is extreme ideology and blind commitment to bad policy. Those flaws may really be weapons of mass destruction.

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Senate

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is "no convincing scientific evidence" that human activity is causing significant climate change.

Satellite temperature readings of the Earth's lower atmosphere show no warming in the 25 years since measurements began, although global warming theory predicts the Earth's lower atmosphere will exhibit the first signs of warming. The 1° Fahrenheit warming reported by surface-based weather stations during the past century is likely due to artificial heat-island effects caused by population growth.

Patrick Michaels, research professor of environmental sciences at the University of Virginia and past president of the American Association of State Climatologists, also criticized McCain's anecdotal approach. According to Michaels' research, retreating glaciers in Glacier National Park are the natural result of the Earth thawing from the abnormally cold Little Ice Age that occurred from the fifteenth through the nineteenth centuries. Much like an ice cube will continue melting in a refrigerator even though the refrigerator's temperature remains steady, Michaels has noted, mountain glaciers adjusting to the end of the Little Ice Age will continue melting in the twentieth and twenty-first centuries despite an equilibrium of temperatures today.

Michaels and other scientists have also provided evidence that precipitation has moderately *increased* as a result of greenhouse gas emissions—casting doubt on McCain's wildfire theory—and that the polar ice caps have increased, rather than decreased, in size.

"I ask my colleagues not to listen so much to the opinions of labor unions, businesses, or even scientists," McCain responded to the scientific evidence. "Look at what is happening around the world. Use your eyes to see what's happening."

High Price to Pay

Opponents of the McCain-Lieberman measure noted not only its shaky scientific foundation, but also the high costs it would impose on U.S. taxpayers and economy. The White House Office of Management and Budget (OMB) released a statement concluding McCain-Lieberman would result in a 40-cents-per-gallon increase in gasoline prices and would cost the average household $444 per year in higher energy bills. Unemployment would increase by 600,000 and the federal deficit would jump by $100 billion by 2025, OMB projected.

Inhofe observed that the OMB numbers themselves understated the true costs of greenhouse gas legislation, as McCain himself has repeatedly stated his bill would be only a "minimal first step" in a series of planned energy restrictions.

"That confirms what I've argued all along," said Inhofe, "that this so-called 'modest first step' is cover for more drastic and more dangerous restrictions on energy use in the future."

Welcome Defeat

The defeat of the McCain-Lieberman measure was welcomed by public policy experts, scientists, and business leaders alike.

"While the failure of the cap-and-trade approach in the Senate today comes as little surprise, it is still welcome news," said Myron Ebell, director of global warming policy at the Competitive Enterprise Institute.

The U.S. Chamber of Commerce, representing more than three million businesses and organizations, praised the Senate's defeat of the measure.

"We need to have better science to support any efforts to restrict energy use before Americans can justify sacrificing their jobs, quality of life, and paying almost double for their utility bills," said William Kovacs, the Chamber's vice president for environment, technology, and regulatory affairs.

"Even its sponsors agree that McLieberman would have an unmeasurable effect on atmospheric carbon-dioxide and climate," said S. Fred Singer, president of the Science and Environmental Policy Project, in a letter to the *Wall Street Journal*. "And its economic burden and impact on jobs are certainly much greater than its supporters maintain. All in all, it is a bad deal."

While McCain-Lieberman proponents took comfort in their relatively narrow margin of defeat, Singer discouraged such optimism.

"The Senate was on target in 1997, during the Clinton administration, when it passed the Byrd-Hagel Resolution against a similar proposal—by unanimous vote," continued Singer. "Yesterday's vote of 55 to 43 against S. 139 does not represent a shift in opinion so much as a 'freebie' for senators willing to cater to environmental pressure groups."

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CO2 Emission Trades Fizzle on CCX

Getty

U.S. Secretary of Energy Spencer Abraham speaks with Dr. Richard Sandor, Chairman and CEO of the Chicago Climate Exchange (CCX) and Chicago Mayor Richard Daley after a media conference to announce the results of the CCX's first auction of carbon dioxide emission allowances. The CCX auction is an organized sale for metric tons of carbon dioxide emission allowances using a sealed bid process.

by James M. Taylor

Carbon dioxide emission allowances were traded for the first time in the U.S. as the Chicago Climate Exchange (CCX) convened its first CO2 auction on September 30. Sellers of emission credits were sorely disappointed by low prices and a dearth of willing buyers.

Promoters billed the auction as "the first multi-sector, multi-national market" in which to buy, sell, and trade CO2 emissions in anticipation of mandatory reductions in greenhouse gas emissions.

"This is a landmark moment for market-based solutions to environmental concerns," said CCX chief executive officer Richard Sandor. "By establishing a mechanism for achieving price discovery and disseminating market information, CCX has achieved one of its central goals."

The success of the CCX, however, is dependent on the government or industry associations mandating greenhouse gas reductions. In the absence of such mandates, and with more and more scientists questioning the global warming hypothesis, CCX prices and participation rates have reflected a general lack of concern regarding CO2 emissions.

"Not Indicative of Anything"

Only a handful of companies participated in the September 30 exchange.

American Electric Power (AEP) purchased 87,500 of the 100,000 tons of CO2 allowances sold. The average successful bid for a metric ton of year 2003 CO2 emissions was just 98 cents.

By contrast, a metric ton of CO2 emissions currently trades at roughly $13 on the European Union's trading program. The dramatic difference reflects the EU's adoption of the Kyoto Protocol and mandatory emission reductions. In the U.S., it is widely believed that global warming alarmism is overstated and Kyoto-style mandatory CO2 reductions are unlikely to be necessary or implemented.

Significantly, CO2 emission credits for the year 2005 were sold at a mere 84 cents, reflecting an expectation of the declining value of CO2 reductions.

"Clearly, this is a very immature auction," said James Johnston, an energy economist and policy analyst for The Heartland Institute. "Indeed, given the expected volatility on the order of electricity contracts, which are their prime substitute, the prices may not be significantly different from zero. Clearly this is just a demonstration and should not be indicative of anything."

"We see this primarily as a policy demonstration to show this can work on a broader sense," explained AEP spokesperson Pat Hemlepp.

Said Ethan Podell, CCX's former senior vice president for sales and marketing, "The companies we really need to join a carbon cap-and-trade program, the large emitters of greenhouse gases, those who will end up as buyers of emission reduction credits—the utilities, the oil, gas [and] petrochemical companies, the cement makers, the truckers and railroads—these companies are not yet prepared to join a cap-and-trade program.

"Without regulation and governmentally imposed sanctions, the early evidence ... is that the American business community is not very interested in a voluntary greenhouse gas cap-and-trade program," Podell further explained at an October Senate hearing.

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Zuma Press

A firefighter pauses to look at back fires lit along a heavily wooded road to slow flames on the east side of Descanso, California. The state was devastated by several distinct wildfires scattered along an arc from the Southern California suburbs northwest of Los Angeles to Ensenada, Mexico. The Cedar Fire in San Diego County torched more than 250,000 acres, making it the largest brush fire in the state since 1932.

Fires

Continued from page 1

border through outlying Los Angeles suburbs, with San Diego County suffering the worst. As of November 1, the fires claimed 20 lives, including one firefighter, and more than 2,700 homes and other buildings. Official damage estimates ranged from $1.25 to $2 billion, making the fires the most expensive in state history.

Environmental Toll

The environmental toll also was devastating, as thousands of animals, including endangered California condors and endangered California gnat catchers, perished in the flames. "It could take several years for the populations of bigger game—deer, mountain lions, and bears—to recover," predicted Stephen Edinger of the California Fish and Game department.

"The recovery of animal and plant species will depend on the intensity of the fire and how much of the ground was actually baked," added Jim Patton, emeritus professor of integrative biology at the University of California-Berkeley.

In an unwelcome irony, endangered salmon were expected to feel some of the worst effects of the fires. Even as the fires were burning hundreds of thousands of acres of forest, environmental activist groups were preventing logging in area wetlands, arguing that loggers had yet to prove resource recovery near waterways would not harm the salmon. Their point was rendered moot as fires ravaged the region, wreaking havoc far worse than any logging activities could have done.

"Unlike wildfires, state and federal regulators can require that logging or thinning be kept far enough away from wetland areas" so as not to harm endangered salmon, noted the November 1 *San Francisco Chronicle*.

"If I had to choose which is going to cause the most damage," said Phil Aune, vice president of the California Forestry Association, "I'd choose catastrophic wildfire, because that's going to cause huge, huge erosion into the streams."

Carlton Yee, professor emeritus in forestry at Humboldt State University and former chair of the California Board of Forestry, agreed. Yee stated that erosion and water temperature changes—logging's most negative effects on endangered salmon—pale in comparison to the harmful effects of wildfires.

Mark Price, chairman of the planning board in Alpine, California, which was among the towns worst hit by the fires, lamented that environmental restrictions prevented his town from taking adequate precautions before the fires engulfed his community. "When you block brush-clearing and creation of firebreaks, it can put homes and people on the endangered species list, too," said Price. "When you do get permission to clear anything, the environmentalists come out and make sure you don't clear one bit more of brush than you're allowed."

"In Southern California, clearing out the 'excess fuels' that have resulted from past fire suppression, and reconfiguring the landscape to create more firebreaks and other barriers to fire, would have been expensive but feasible," according to Robert Nelson, professor of environmental policy at the University of Maryland.

"So why didn't government take effective management and policy action to reduce fire risks before total disaster struck?" Nelson asked. "Leaving aside the individual human tragedies, the costs would certainly have been less than the $2 billion (and climbing) that is now projected in terms of fire-fighting costs and lost property values."

"Endangered California condors and endangered California gnat catchers perished in the flames. It could take several years for the populations of bigger game—deer, mountain lions, and bears—to recover."

Added Nelson, "Environmental organizations also bear a large responsibility for the general failure to take effective action to reduce the risks of catastrophic fire. They sued the Forest Service and other government agencies at every opportunity to block timber harvesting and virtually any other management action."

Senate Passes Healthy Forests Bill

Responding to the California wildfires, and after more than a year of inaction on the issue, the U.S. Senate finally passed its version of President Bush's Healthy Forests Initiative. The legislation was passed on October 30 by a vote of 80-14. A House-Senate committee was scheduled to hammer out differences between the Senate legislation and the House version, which was passed in May.

The most important differences between the two bills were the Senate's insistence that at least half of its $760 million allocation of funds be directed to "urban interface" areas where residential communities interact with wilderness areas. By contrast, the House bill gives forest managers themselves the discretion to select where forest management funds would best be spent.

Both bills address legal and bureaucratic obstacles to effective forest management, such as the current ability of environmental activist groups to indefinitely postpone forest management projects with agency appeals and federal lawsuits. The Senate bill gives such groups more leeway than the House bill to challenge forest management decisions. However, the differences are fairly narrow.

"Citizens have a right to access on timber sales," said Senator Ron Wyden (D-Oregon), "but they don't have a constitutional right to a five-year delay."

"For those who have been so worried that we're going to log the forests to death, they have [instead] watched them burn to death," added Senator Pete Domenici (R-New Mexico). "This finally opens the door to significant land management reforms."

John Skorburg is an economist and managing editor of Budget & Tax News. *His email address is* **skorburg@heartland.org**

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PART 1 IN A SERIES

Hog Farms and the Environment:

An Investigative Series

by James M. Taylor

Across the United States, residents in a growing number of communities are expressing concern over hog farms—a type of livestock operation technically known as concentrated animal feeding operations, or CAFOs—and their potential effects on human health.

This article is the first in a series examining the practice of hog farming, its potential effects on the environment, and mechanisms for environmental responsibility in hog farming practices.

Waste Management

Management of animal waste is the most significant environmental challenge presented by large-scale hog farming.

Most hog farms allow animal waste to seep through gaps in the floorboards of barns, collecting in a large underground pool of concentrated waste. That concentrated mix is then flushed with water through pipes into earthen containment structures called lagoons. Aerobic bacteria break down the waste, and the treated effluent is sprayed onto field crops as fertilizer. The North Carolina Department of Environment and Natural Resources has estimated some 4,000 active lagoons are in use by 2,400 hog farms in that state alone.

Dr. Mike Williams, director of North Carolina State University's Animal and Poultry Waste Management Center, says research supports the use of the lagoon and sprayfield approach. The federal Environmental Protection Agency, which regulates hog farms and other large-scale livestock operations, has found no scientific evidence linking hog farms with serious health problems.

Nevertheless, the Sierra Club, Environmental Defense, and other activist groups allege hog farming practices endanger the health of residents living nearby. Residents themselves frequently complain that on hot, humid days, the odor of the lagoons is detectable up to a half mile away. Residents and activist groups suspect that hydrogen sulfide emanating from the lagoons causes a variety of ailments such as headaches, flu, and diarrhea.

Mixed Messages

In Iowa, state environment officials tested air quality levels in six neighborhoods adjacent to hog farms. Air information specialist Brian Button said preliminary data showed hydrogen sulfide and ammonia levels frequently exceeded the state's recommended air quality levels. Button did not elaborate on the frequency, duration, or extent of the heightened readings, nor did he offer evidence that the heightened readings had any connections to adverse human health.

Dr. Kaye Kilburn, a professor at the University of Southern California, believes the anecdotal evidence supports a link between hog farms and adverse effects on human health. "The coincidence of people showing a pattern of impairment and being exposed to hydrogen sulfide arising from lagoons where hog manure is stored and then sprayed on fields or sprayed into the air" demonstrates a link that is "practically undeniable" said Kilburn.

"Management of animal waste is the most significant environmental challenge presented by large-scale hog farming."

"In community exposures, when they are exposed to a mixture of chemicals—hydrogen sulfide included—there have been neurological effects reported as well," said Selene Chou, manager of the hydrogen sulfide toxicological profile for the Agency for Toxic Substances and Disease Registry.

"Based on what I see, there could be neurological effects," said Chou, "but we don't know at what low level of chronic exposure. That information is badly needed, because communities have experienced these effects."

The claims of health effects are, however, controversial. Government officials, reported the *Charlotte Observer* on May 11, "contend that these effects are at best poorly documented. They say that studies have relied too much on the testimony of the people with medical problems, and that there is no way to prove that those problems are directly attributable to the farms."

Most persons claiming a link between hog farms and human health "acknowledge that for many symptoms the link to the farms is circumstantial," reported the *Observer*.

"The health concern issues raised by the residents are totally unfounded," said Ron Prestage, owner of Mississippi's Prestage Farms. "There has never been a neighbor of a farm who has come forward with any documentation of a health problem of any kind."

"I do not think there is any way that it can be proven that that hog farm, which is a half-mile away, has any effect," said Dick Isler, president of the Ohio Pork Producers Council. Isler cited studies showing that "any time you are more than a hundred feet away it is not a problem."

Given the uncertainty of the underlying science, is corrective action called for? Are better farm waste management systems scientifically and economically feasible?

Part two of this series will examine efforts currently underway to improve or abandon the process of treating animal waste in concentrated, open-air lagoons.

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EPA, Justice Department Score New Round of Enforcement Actions

by James M. Taylor

The U.S. Department of Justice and Environmental Protection Agency announced several new Clean Air and Clean Water fines during the month of October.

ChevronTexaco to Pay $275 Million for NSR Pollution Upgrades

ChevronTexaco has agreed to install cutting-edge pollution abatement technology at its five major oil refineries to settle alleged violations of the Clean Air Act's New Source Review mandates. The October 16 settlement with EPA, Justice Department, and state and local officials is expected to cost the company $275 million.

The facilities are located in California, Hawaii, Mississippi, and Utah, and constitute roughly 5 percent of the nation's refining capacity.

EPA Assistant Administrator J.P. Suarez said that as a result of the settlement, emission-reduction agreements govern more than 40 percent of the nation's refining capacity.

Suarez said the ChrevronTexaco settlement is the fourth largest refinery settlement since EPA began an enforcement initiative during 1999 under the Clinton administration. Other companies that have agreed to settlements under the initiative include BP Amoco, CHS Inc., Coastal Eagle Point Oil Co., Equilon Enterprises, Ergon Refining Inc., Ergon-West Virginia Inc., Koch Petroleum, Lion Oil Co., Marathon Ashland Petroleum, Motiva Enterprises, Murphy Oil USA, Premcor Refining Group Inc., and Shell Oil Co.

ChevronTexaco spokesperson Nicole Hodgson disputed the government's underlying allegations of Clean Air Act violations, but said the company supports the settlement as a means of ensuring regulatory certainty.

Hodgson also reported that ChevronTexaco has during the past two years spent $100 million in pollution controls at the five facilities. The $275 million in upgrades will be in addition to the $100 million already spent.

Occidental to be Fined $10 Million

On October 1, EPA announced it will fine Occidental Chemical Corp. up to $10 million, and perhaps more, after the company allegedly emitted too much vinyl chloride from its Pottstown, Pennsylvania chemical factory. EPA also alleged Occidental failed to monitor its emissions properly and neglected to report emissions to authorities.

EPA investigators prepared for their onsite investigation of the Pottstown plant by taking a two-day course in plastics manufacturing at the Pennsylvania College of Technology in Williamsport. "We're open to go in and look at a chemical and really study the process," said Samantha Fairchild, director of enforcement, compliance, and environmental justice for EPA's Mid-Atlantic region.

Occidental officials said they could not comment on the EPA charges before thoroughly studying the complaint.

Coastal Agrees to $3.5 Million Fine

Coastal Eagle Point Oil Co. (Coastal Oil) agreed on October 2 to pay a $3.5 million fine to settle several alleged clean air violations at its Gloucester County, New Jersey refinery. EPA teamed with New Jersey officials in investigating Coastal Oil and obtaining the settlement.

Coastal Oil faced citations for 18 alleged pollution violations since 1998. In addition to paying the $3.5 million fine, the company has agreed to facility upgrades projected to cost between $3 million and $7 million.

"In the past, Coastal Eagle Point Oil Company failed to comply with air pollution laws and operated without proper regard for the health of New Jersey's residents," said Bradley Campbell, commissioner of the New Jersey Department of Environmental Protection.

"In this settlement the company agrees to more stringent environmental safeguards that will greatly reduce air pollution above and beyond current safeguards and provide those living in Gloucester County better air quality," Campbell added.

"The Coastal Eagle Point Oil Company is pleased to have resolved several outstanding issues with the United States and the state of New Jersey by this agreement," said Mel Scott, spokesperson for Coastal Oil's parent company, El Paso Corporation.

Alltel Accepts $1 Million Penalty

Also on October 2, Alltel Corporation agreed to pay a $1.05 million penalty for failing to keep records mandated by the Clean Air Act and for failing to obtain necessary permits. The company additionally agreed to undergo environmental compliance audits at each of its 7,500 nationwide sites.

Alltel emphasized it had not violated substantive pollution provisions of the Clean Air Act, but rather had failed to abide by regulatory paperwork requirements.

"At no point in the EPA's investigation or the negotiation of this consent decree did the EPA allege or conclude that Alltel engaged in any action that resulted in the improper release of any material into the environment or any other harm to the environment or the public," stated an Alltel press release on the settlement.

Vail Resorts Accepts $80,000 Fine

Vail Resorts Inc. on October 17 accepted an $80,100 fine for violating the Clean Water Act by building a service road in protected wetlands.

The Department of Justice had discovered Vail filled in a protected wetland when it built a road to transfer logs out of the resort area.

In addition to the fine, Vail has agreed to restore the wetland to its prior condition.

Vail officials, stressing their Clean Water Act violations were unintentional, released a statement calling the settlement a fair resolution of its conduct.

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EPA: No Harm in Using Sewage Sludge as Fertilizer

by James M. Taylor

After five years studying the application of sewage sludge as a fertilizing agent, the Environmental Protection Agency has found virtually no adverse health effects and has declined to impose regulations on the practice.

EPA had conducted the study in response to claims of adverse health effects and demands for regulatory action issued by environmental activist groups. The activist groups contended that using the sludge—which contains dioxins as a byproduct of water treatment plants—was resulting in such unintended health effects as increased cancer rates.

EPA conducted its study by modeling a "most at-risk" scenario: Farm families spending a lifetime applying sewage sludge to fertilize their crops and animal feed, and then consuming a disproportionate amount of their own crops and farm animals over their lifetimes. The agency concluded such families would develop only 0.003 new cases of cancer each year as a result of the practice.

"The risk of new cancer cases from this source is small, substantially smaller than other chemicals we regulate," said Geoffrey Grubbs, EPA's director of water science and technology programs. "We just do not see a basis or justification for further regulation of this particular set of contaminants in sludge."

Grubbs emphasized that EPA's five-year study was peer-reviewed and examined all aspects of sludge fertilizer, including the practice's effect on wildlife. Under all scenarios, EPA did not find "any significant impacts," said Grubbs.

Activist groups nevertheless expressed anger at EPA's announcement.

"This is not about a farm product," said Nancy Stoner, director of the Natural Resources Defense Council's clean water project. "This is about sewage sludge that comes out of large urban environments."

The fact that the sludge is imported into farm environments from urban settings does not make the practice any less safe, according to the EPA research. "We're closing the books on dioxins in sewage sludge," said Grubbs. "There is not a high enough risk for this route of exposure."

EPA emphasized very few persons will ever be subjected to even the minuscule 0.003 increased cancer rate voluntarily assumed by the most at-risk farm families. "The risk to people in the general population of new cancer cases resulting from sewage sludge containing dioxin is even smaller due to lower exposures to dioxin in land-applied sewage sludge than the highly exposed farm family which EPA modeled," said an agency statement.

The study additionally noted that dioxin levels in the environment generally have declined steadily since EPA's last formal survey in 1988. The downward trend is the result of regulatory controls on dioxin sources from combustion and manufacturing processes. According to EPA, dioxin releases have fallen by 90 percent since the 1988 survey.

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Paper Companies to Pay $60 Million for Fox River Cleanup

by James M. Taylor

Two paper companies that discharged PCBs into northeast Wisconsin's Fox River have agreed to pay $50 million toward the cleanup of the river's headwaters. The remainder of the expected $60 million in cleanup costs will be paid by paper companies that played a lesser role in the PCB discharges.

The discharges, which occurred before PCBs were banned by the Environmental Protection Agency (EPA), were a byproduct of carbon-copy paper manufacturing by Fox River paper mills. EPA banned PCBs in 1977, after studies of laboratory animals injected with high doses of PCBs for prolonged periods of time indicated such exposures could cause animals to develop cancer. No link has been established between human health and PCB exposure, even among persons living near PCB discharges.

The cleanup agreement addresses efforts at Fox River headwaters designated OU1 by EPA. A settlement has yet to be reached regarding the downstream portions of the river designated OU2, OU3, OU4, and OU5. Government and industry officials were optimistic they would soon reach agreement on removing PCBs from the downstream portion of the river.

"We basically took what we felt the costs were going to be to clean up OU1 and we went to the parties, and they agreed to split the cost of it," said Tom Skinner, administrator of EPA Region 5. "It's a strong commitment by the mills, and it bodes well for additional agreements that address the rest of the contamination."

"This is really a historic day in Wisconsin," said Governor Jim Doyle (D). "The Fox River has always been vitally important to Wisconsin and the Fox River Valley for transportation, industry, agriculture, and recreation. The modern state of Wisconsin was born on the banks of the Fox River."

Added Doyle, "With this settlement, the companies and the agencies involved avoid the high cost of litigation and the lengthy delays that would only add to the eventual cost of the cleanup and delay the cleanup for many years."

Under the agreement, sediments with PCB concentrations of more than 1 part per million will be dredged, with the sediment deposited in yet-to-be determined landfills. Sediments under at least three feet of water that are unlikely to be dislodged by natural or human activities will be buried and capped in place either by natural sedimentation buildup or by the emplacement of sand and gravel fill.

"This agreement reached with the state and federal government is a model of cooperation," noted Ken Clusman, manager of a Fox River mill owned by Glatfelter, which has agreed to contribute $25 million to the cleanup. "It reflects our collective commitment to improve the quality of the Fox River system."

"The agencies have made the right call on the river," agreed the Sierra Club's Penny Bernard Schaber.

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heartland.org**.

EPA Seeks to Monitor GM Crops from Space

by Henry I. Miller, MD

The Environmental Protection Agency has announced it is considering a project that would allow it to monitor gene-spliced crops from space. Experiments will begin in Spring 2004 to determine whether satellite surveillance can distinguish conventional from gene-spliced corn.

EPA's proposal has led many to wonder whether there is something particularly sinister or worrisome about gene-spliced crops—in particular, corn that has been engineered for improved resistance to predatory insects. Is it potentially toxic, or more invasive than conventional corn? Does it have a history of stealing lunch money from children as they pass the fields en route to school?

In fact, the gene-spliced corn is wholesome, as well-behaved as any other variety, and has eliminated the need for millions of pounds of chemical pesticides. So why the attempt to monitor it, at tremendous effort and expense? Evidence suggests this is one of those examples of government intervention creating the need for more government intervention to correct a distortion government caused in the first place.

Resistant Insects?

The monitoring project originated out of concern that overuse of gene-spliced varieties of Bt-corn (which contain a bacterial protein that confers resistance to insects) could result in the development of resistant insects, reducing the usefulness of the approach.

Of course, if insect resistance to Bt crops were to appear, this would not raise an environmental safety or human health issue, but would indicate only compromised effectiveness of the Bt protein. Insects usually develop resistance to conventional pesticides over time, so it would not be unexpected to find resistance to Bt as well.

EPA requires farmers who plant Bt-corn to maintain a "refuge" of conventional (insect-susceptible) corn on 20 percent of their acreage. EPA suspects as many as one-fifth of farmers are not adhering to the refuge requirement.

In spite of a substantial rate of likely non-compliance, USDA-funded researchers have found *no insect resistance* to Bt-corn (or Bt-cotton) at all, in spite of their cultivation on more than 25 million acres worldwide.

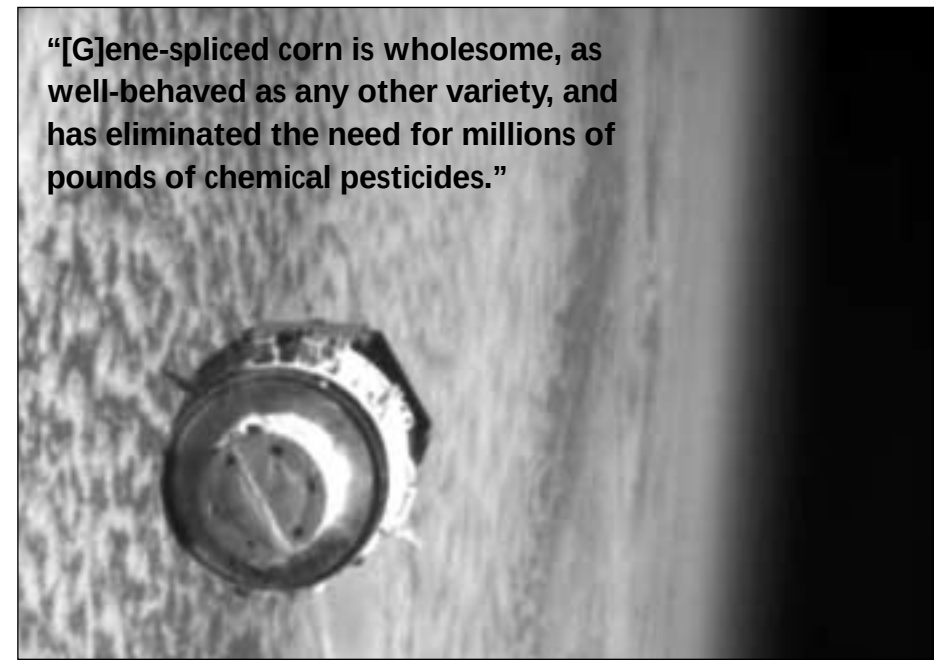
The requirement for refuges remains, however, and, undeterred by the data, EPA is determined to use overhead surveillance to measure compliance.

Monitoring Compliance with Bad Policy

The pivotal issue here, according to scientists, is not whether farmers are adhering to the refuge requirement. It is that the very basis of EPA's regulatory policy towards gene-spliced plants and foods is unscientific and nonsensical.

EPA holds gene-spliced plants to a higher standard than other similar crop and garden plants, requiring hugely expensive testing—as though they were chemical pesticides—of varieties of corn, cotton, wheat, and tomatoes that have been genetically improved for enhanced pest- or disease-resistance. The policy fails to recognize there are important differences between spraying synthetic, toxic chemicals, and genetically improving plants' natural pest and disease resistance.

EPA's policy toward gene-spliced plants is so potentially damaging and outside the norms of sound science that it has galvanized the scientific community. A consortium of dozens of scientific societies representing more than 180,000 biologists and food professionals published a report warning the policy will discourage the development of new pest-resistant crops and prolong and increase the use of synthetic chemical pesticides, increase the regulatory burden for developers of pest-resistant crops, limit the use of biotechnology to larger developers who can pay the inflated regulatory costs, and handicap U.S. companies competing in international markets. All of these warnings have been borne out by the facts.


"[G]ene-spliced corn is wholesome, as well-behaved as any other variety, and has eliminated the need for millions of pounds of chemical pesticides."

Safe, Sound Technology

Scientists worldwide agree that adding genes to plants does not make them less safe, either to the environment or for humans to eat. Dozens of new plant varieties produced through hybridization and other traditional methods of genetic improvement enter the marketplace each year without scientific review or special labeling.

Gene-splicing is more precise, circumscribed, and predictable than other techniques and can better exploit the subtleties of plant pathology. For example, unlike conventional chemical pesticides, Bt-corn is highly specific: It produces a protein toxic to corn borer insects, but not to people or other mammals.

Another advantage of Bt-corn is that it is less likely than conventional corn crops to contain Fusarium, a toxic fungus often carried into the plants by the insects. Bt-corn thus has significantly lower levels of the fungal toxin fumonisin, which is known to cause fatal diseases in horses and swine and esophageal cancer in humans.

Government agencies have regulated gene-spliced foods in a discriminatory, unnecessarily burdensome way. They have imposed requirements that could not be met by conventionally bred crop plants. Paradoxically, only the more precisely crafted, superior, gene-spliced crops are exhaustively, repeatedly (and expensively) reviewed before they can enter the field or food supply. Policymakers have ignored a fundamental rule of regulation: The degree of scrutiny of a product or activity should be commensurate with the risk.

It is unwise to punish those who develop and market insect-resistant, pesticide-replacing, low-fungal-toxin, potentially more healthful corn. It makes far more sense to regulate as science and common sense dictate. Regulation would then cost less, offer greater benefits to the consumer and the environment, and stimulate innovation.

EPA should turn its satellite surveillance to something more constructive, like checking on whether people are putting the right stuff into recycling bins.

Henry I. Miller, a physician, is a fellow at the Hoover Institution. From 1979 to 1994 he was an official at the U.S. Food & Drug Administration. His email address is **miller@hoover.stanford.edu**.

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Eco-terrorism

Continued from page 1

that someone has not been killed," Celestini added. "You set a fire that big, there's no way of predicting what the ultimate consequences will be."

Celestini noted with disgust that the terrorism, applauded by a spokesman for the Earth Liberation Front (ELF), was allegedly conducted in protest of urban sprawl—the spreading out of human population centers from a few highly concentrated cities to the surrounding countryside. The San Diego arson occurred in the city's densely populated University City neighborhood, and the building itself would have combated urban sprawl by housing several hundred persons in a single building.

On August 28, a bomb exploded at the biotech Chiron Corp.'s Emeryville, California, business office. There were no human casualties, but the bomb resulted in significant property damage.

The company narrowly escaped a second terrorist attack on September 26, when explosives were discovered at its Pleasanton offices before they could explode. Chiron and another biotech company with nearby business offices were targeted because they use animal testing to ensure the safety of cosmetics and household products.

On September 23, Animal Liberation Front (ALF) terrorists destroyed much of a Louisiana State University School of Veterinary Medicine office in Baton Rouge. Computers and lab equipment were demolished, and red paint was thrown on office walls.

Also on September 23, ELF planted incendiary devices at a bottled water pumping station in Martiny Township, Michigan. The deadly devices were discovered before anybody was hurt.

"We will no longer stand idly by while corporations profit at the expense of others," claimed ELF in a press release. "To this end, we have taken action against one of the pumping stations that Perrier uses to steal water."

During September, terrorists vandalized more than 100 SUVs throughout Southern California, causing more than $1 million in damage. The terrorists additionally took the effort to write such messages as "Fat, lazy Americans" on the vehicles.

On October 6, United States Forest Service agents found a New Mexico USFS construction site had been vandalized. Eco-terrorists had cut electrical wires, damaged government vehicles, and slashed the tires on a water trailer at a site where forest workers were upgrading roadside culverts to reduce erosion. The terrorists taunted the workers by scratching "ELF" on the vehicles, and writing "swine" and drawing swastikas on government property.

"Public Interest Watch filed a complaint with the IRS charging Greenpeace with making illegal transfers ... [of] more than $10 million in exempt funds to non-exempt organizations from 1998 to 2000."

Zuma Press

Firefighters battle flames at a house that was believed to be set ablaze by the Earth Liberation Front in San Diego. ELF has been responsible for several fires in the San Diego area, including one at a SUV dealership, where several million dollars' worth of damage was done.

Deadly Impact of Past Terrorism

The recent acts are part of an accelerating pattern of eco-terrorism committed by, and encouraged by, such groups as ELF and ALF. Past terrorist acts have included:

- In 2002, ELF terrorists attacked a Forest Service research center in Pennsylvania. Stated ELF after claiming credit for the attack, "where it is necessary, we will no longer hesitate to pick up the gun to implement justice."
- In April 1999, ALF terrorists vandalized a cancer research center at the University of Minnesota, destroying the life-saving work of university researchers. "To this day our cancer vaccine program for treating brain tumor patients is still trying to recover from the vandalism," said the university's Dr. Walter Low.

In addition to ravaging the university's cancer vaccine program, the terrorists destroyed important research computers and an incubator containing brain cells from patients participating in Alzheimer's research. According to Low, the destruction of the incubator alone set back Alzheimer's research by two years.

Said Low, "You begin to have an impact on a patient who's donated their cells for us to develop a vaccine, and we no longer have that vaccine to offer to that patient. That patient has no other hope."

- In 1995, ALF terrorists firebombed research facilities at a Michigan State University building. College students were present and injured, but no one was killed.

Follow the Money

Watchdog groups, shocked and alarmed by the violence eco-terrorists are willing to commit, are also dismayed that ELF and ALF appear to have ready access to funds for producing propaganda, recruiting members, and committing their terrorist acts.

People for the Ethical Treatment of Animals (PETA), which produces slick advertising campaigns and whose leaders are treated as quasi-celebrities on the national cable news networks, has admitted to donating $1,500 to ELF in 2001. According to the Center for Consumer Freedom, PETA donated at least $70,000 to ALF.

PETA receives much of its funding from other liberal environmentalist groups. Like ALF and ELF, many of those groups are beginning to come under legal scrutiny.

On September 22, the charitable oversight group Public Interest Watch filed a complaint with the IRS charging Greenpeace with making illegal transfers from strictly monitored tax-exempt funds to non-exempt funds that can be used for a variety of questionable purposes. According to Public Interest Watch, Greenpeace transferred more than $10 million in exempt funds to non-exempt organizations from 1998 to 2000.

Said Marc Levin, president of the American Freedom Center, "These wholesale transfers from more tax-restrictive organizations to less-restrictive organizations are illegal on their face because there is no way to be sure that co-mingled funds won't be used for non-exempt purposes. Furthermore, terrorist acts clearly do not fit within any of the legally recognized areas of activity for [tax-exempt] groups."

Reached for comment, Greenpeace spokesperson Nancy Hwa adamantly denied that Greenpeace condoned violence or terrorist activities. "We are a non-violent organization. We don't condone property destruction or violence," said Hwa. She further asserted that Greenpeace has kicked out members who engage in such activities.

Levin took issue with the distinction Greenpeace draws between "civil disobedience" and terrorism. He noted Greenpeace members have forcibly boarded a cargo vessel carrying Brazilian wood to Florida, have blockaded a U.S. naval base, and have broken into the central control building of a nuclear power station in England.

"The difficulty in nabbing individual eco-terrorists is precisely why it is critically important that the IRS do its part to immobilize eco-terror groups by investigating the illegal use of tax-exempt funds to bankroll their crimes," Levin added.

Defending the Indefensible

To the extent that Greenpeace may differ with charitable watchdogs over where the fine line exists between civil disobedience and terrorism, it must be noted that Greenpeace has at least publicly repudiated terrorist groups such as ALF and ELF. So too has the Sierra Club.

"The ELF are not environmentalists. They are arsonists," said Sierra Club Director Carl Pope.

By contrast, when contacted by *Environment & Climate News* for their position on environmental terrorists like ELF and ALF, PETA, the John D. and Catherine T. MacArthur Foundation, the Tides Foundation, and the Pew Center for Climate Research refused to state whether they supported or opposed such conduct.

When CNSNews asked Bruce Friedrich, PETA's director of vegan outreach, for comment on an IRS complaint filed against PETA for its financial donations to ALF, Friedrich called the Center for Consumer Freedom, which filed the complaint, "whores for the meat and tobacco industry."

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